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HICLEY, SHERMAN & BOOTH
100 BROADWAY
NEW YORK CITY



Nathaniel L. Miller

NEW YORK STATE BAR ASSOCIATION

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PROCEEDINGS

OF THE

FORTY-FOURTH ANNUAL MEETING

HELD AT

NEW YORK, JANUARY 21-22, 1921

AND

CHARTER, CONSTITUTION, BY-LAWS.

LISTS OF MEMBERS, OFFICERS, COMMITTEES

AND

REPORTS FOR 1920



H. ALEY, STERMAN & ROSS
100 BROADWAY
NEW YORK, N. Y.

ALBANY

THE ARGUS COMPANY, PRINTERS

1921

327000

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LAWS OF NEW YORK—1877

CHAPTER 210.

"AN ACT to incorporate the New York State Bar Association."

PASSED May 2, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The members of the voluntary association, which was formed in the city of Albany, November twenty-first, eighteen hundred and seventy-six, under the name of the New York State Bar Association, of which association John K. Porter, of the first judicial district, is president, and Charles W. Sanford, of the first judicial district; John J. Armstrong, of the second judicial district; Samuel Hand, of the third judicial district; Platt Potter, of the fourth judicial district; William C. Ruger, of the fifth judicial district; Horatio Ballard, of the sixth judicial district; James L. Angle, of the seventh judicial district, and Myron H. Peck, of the eighth judicial district, are vice-presidents, and of which the judges of the United States Courts, residing in this State, the judges of the Court of Appeals, and justices of the Supreme Court of this State are honorary members, and all persons who shall hereafter be associated with them are hereby created a body corporate, under the name of the "New York State Bar Association." And the said association is formed to cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, and to cherish the spirit of brotherhood among the members thereof.

SEC. 2. Said corporation shall have power to acquire by lease or purchase, suitable buildings, library and furniture for the use of the corporation; to borrow money for such purposes and issue bonds therefor, and to secure the same by mortgage, and generally to acquire and take by purchase, gift, devise, bequest, subject to the provisions of law relating to devises and bequests by last will and testament or otherwise, and to hold, transfer and convey all or any such real and personal property as may be necessary for attaining the objects, and carrying into effect the purposes of such corporation.

SEC. 3. The constitution, by-laws, rules and regulations originally adopted by said voluntary association shall be the constitution, by-laws,

rules and regulations of the corporation hereby created, which shall have power from time to time to alter, modify and change the same; and the members of the executive committee of said association shall be the first trustees of the corporation hereby created, and continue to be such trustees until others are elected in their places as prescribed by said constitution and by-laws, and the several officers and committees of said association shall be the officers and committees of the corporation hereby created with the powers and duties prescribed by said constitution and by-laws, rules and regulations, until their successors shall be similarly duly elected and installed.

SEC. 4. All property, rights and interests of the said association now held by any or either of the officers thereof, or by any person or persons for its use and benefit shall, by virtue of this act, vest in and become the property of the corporation hereby created, subject to the payment of the debts of said association, if any; all interest of any member of said association, and of the corporation hereby created, in such property, shall terminate and vest in the corporations upon his ceasing to be a member thereof.

SEC. 5. This corporation shall possess the powers and be subject to the liabilities prescribed by the third title of the eighteenth chapter of the first part of the Revised Statutes. This corporation shall deposit a copy of its charter, constitution and by-laws, and of each of its annual reports, in the State Library at Albany, and each of the libraries provided for the use of the justices of the Supreme Court in the several counties of the State. It shall be the duty of every local bar association to deposit with the New York State Bar Association, a copy of its act or certificate of incorporation, or its articles of association, and its constitution and by-laws and its annual report.

SEC. 6. This act shall take effect immediately.

CONSTITUTION

I. — NAME.

This Association shall be called "The New York State Bar Association."

II. — OBJECT.

The Association is formed to cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, and to cherish a spirit of brotherhood among the members thereof.

III. — MEMBERS.

The Delegates and Alternates selected to attend the first meeting for the organization of the Association (November 21, 1876) are hereby declared to be members thereof, provided they shall (on or before the 1st day of May, 1877) pay the admission fee and subscribe to this Constitution, or otherwise in writing notify the Secretary of their acceptance of membership.

Any member of the legal profession in good standing, residing or practicing in the State of New York, who shall have been at the Bar of this State at least three years, may become a member by vote of the Association, on open nomination after a report of the Committee on Admissions, or of the Executive Committee upon recommendation of the Committee on Admissions; and on subscribing to this Constitution (or otherwise in writing notify the Secretary of his acceptance of membership), and, within the period limited by the By-Laws, paying the annual dues of the current year. But no person shall be entitled to vote at any meeting of the Association until he shall have been a member for at least six months preceding the said meeting.

The Judges of the United States Courts residing in this State, the Judges of the Court of Appeals, and the several Justices of the Supreme Court of this State shall, during their respective terms of office, be honorary members of this Association.

Other honorary members may be elected by the Association. (Amended January 21, 1903, and January 17, 1906.)

Pursuant to Art. III, the Association, at the Annual Meeting, September, 1882 (Reports, vol. VI, p. 130), it was unanimously

Resolved, That this Association admits among the honorary members such resident members of the Bar of the State of New York as may at any time hold any of the following-named offices, to wit:

President of the United States, Vice-President of the United States, members of the President's Cabinet, United States Senators from this State, Governor of this State, Attorney-General of this State, Envoy or Minister of the United States to any foreign country, member appointed on the part of the United States of any international tribunal, and that the Secretary is directed to enroll them accordingly.

IV. — OFFICERS.

The officers of the Association shall be a President, nine Vice-Presidents, one to be chosen from each judicial district, an Executive Committee, a Committee on Admissions, a Committee on Grievances, a Committee on Law Reform, a Committee on Prizes, a Committee on Legal Biography, a Committee on the Selection of Candidates for Judicial Office, a Secretary and a Treasurer, all of whom shall (for the period until the 1st day of January, 1878) be elected at the meeting at which this Constitution is adopted. And thereafter they shall be elected in the manner hereinafter prescribed. (Amended January 21, 1902; amended January 24, 1908; amended January 29, 1909.)

V. — PRESIDENT.

The President, or (in his absence) one of the Vice-Presidents, or (in the absence of all of them) one of the members shall preside at all meetings of the Association.

The President shall be *ex officio* a member of the Executive Committee.

VI. — EXECUTIVE COMMITTEE.

The Executive Committee shall consist of twenty-seven members, of whom three shall reside in, and be selected from each judicial district, and shall compose a District Executive Committee thereof. The Secretary and Treasurer of the Association shall be, *ex-officio*, members of the Executive Committee. (Amended January 24, 1908; amended January 29, 1909; amended January 19, 1911.)

This Committee shall manage the affairs of the Association, subject to the provisions of the Constitution and By-laws, and shall be vested with the title to all its property, as Trustee thereof, until the Association shall be incorporated, and when incorporated shall have power to accept the act of incorporation for and on behalf of the Association and all its members.

By-laws may be adopted at any annual meeting of the Association by a majority vote of the members present, and the Executive Committee may make By-laws for the Association, subject to amendment by the Association. (Amended January 21, 1902.)

At meetings of this Committee, the member or members in attendance from each judicial district shall be entitled to three votes, to be cast by him or them, separately or together, as he or they may deter-

mine. Each District Committee, under direction of the General Committee, may exercise such of its powers, in or for the district, as from time to time shall be authorized by this General Committee, and such other powers as the Constitution and By-laws shall vest in them.

VII. — COMMITTEE ON ADMISSIONS.

The Committee on Admissions shall consist of thirty-six members, of whom four shall reside in and be selected from each judicial district, and compose a District Committee on Admissions thereof, and each of whom shall have practiced law in this State at least ten years. (Amended January 24, 1908; amended January 29, 1909.)

The proceedings of this Committee shall be deemed confidential and shall be kept secret, except so far as written or printed reports of the same shall be necessarily and officially made to the Association.

VIII. — COMMITTEE ON GRIEVANCES.

The Committee shall consist of twenty-seven members. The Committee may receive and hear all complaints preferred against any member of the Bar for misconduct in his profession, provided the same be in writing, plainly and specifically stating the matter complained of, and subscribed by the complainant, and may in its discretion investigate misconduct in his profession of a member of the Bar of which no formal complaint has been made; and with the approval of the Executive Committee it shall take such action thereon in the name of the Association as may be deemed proper.

It shall have like power in the matter of expelling any member of the Association.

But no preferment of charges to an appellate division nor any determination of the rights of membership in this Association shall be had unless the accused has had prior notice and due opportunity to be heard.

On vouchers of the Chairman of the Committee on Grievances, additionally vouched by the Chairman of the sub-committee, if any, by whom charges shall have been investigated, the Treasurer be authorized to pay the expenses incident to such investigations by this Committee. (Amended January 12, 1918.)

IX. — COMMITTEE ON LAW REFORM.

The Committee on Law Reform shall consist of twenty-seven members, no four of whom shall reside in the same judicial district. (Amended January 24, 1908; amended January 29, 1909.)

It shall be the duty of this Committee to consider and report to the Association such amendments of the law as in its opinion should be adopted, also to scrutinize proposed changes of the law, and when

necessary report upon the same, also to observe the practical working of the judicial system of the State, and recommend by written or printed report, from time to time, any changes therein which observation or experience may suggest.

X. — COMMITTEE ON PRIZES.

The Committee on Prizes shall consist of so many members as the Association shall appoint from year to year.

It shall be its duty to make rules for contests for such prizes as may be instituted by, or under the sanction of the Association, and to examine and pass upon the merits of every original production offered in accordance therewith.

XI. — COMMITTEE ON LEGAL BIOGRAPHY.

The Committee on Legal Biography shall consist of so many members as the Association shall appoint from year to year.

It shall be its duty to provide for the preservation among the archives of the Association of suitable written or printed memorials of the lives and characters of distinguished deceased members of the Bar of the State.

XII. — STANDING COMMITTEES.

Every Standing Committee shall, at each stated annual meeting report in writing a summary of its proceedings since its last annual report (except such matters as the Constitution or By-laws require to be kept secret), together with any suggestions deemed suitable and appertaining to its powers, duties or business.

A general summary of all such annual reports and of the proceedings of the annual meetings shall be prepared and printed by and under the direction of the Executive Committee, together with the Constitution and By-laws (as then existing), names and residences of Officers, Standing Committees and members of the Association, as soon as practicable after each annual meeting.

XIII. — SECRETARY.

The Secretary shall keep a record of the proceedings of all meetings of the Association, and discharge such other duties as shall be required of him by the Association, and by the Executive Committee. (Amended January 21, 1902.)

XIV. — Eliminated January 21, 1902.

XV. — TREASURER.

The Treasurer shall collect and (by order of the Executive Committee) disburse the moneys of the Association, and discharge such

other duties as shall be required of him by the Association or the Executive Committee.

The Treasurer of this Association shall give security in such sum and in such form for the safe-keeping and accounting for moneys of the Association coming into his hands, as shall be required by the Executive Committee. (Amended January 21, 1902.)

XVI. — OTHER COMMITTEES.

The Association may provide in its By-laws for other Standing Committees, and no matter shall be referred to a special committee which is relevant to the function of any Standing Committee.

XVII. — LIABILITIES.

No officer or committee, or other person shall have power to make the Association liable for any debt amounting to more than one-half of the excess of money in the Treasurer's hand, beyond that required to meet prior liabilities, nor to make any contract binding personally any member of the Association.

XVIII. — MEETINGS.

This Association shall meet annually on such days and at such place in this State as the Executive Committee may select. Any meeting of the Association may adjourn to any date or to any other place within the State upon a majority vote of those present. (Amended January 21, 1903; January 20, 1910.)

Special meetings may be called at any time by the President or Executive Committee of their own motion; and shall be called by the Secretary upon the request of fifty members, in writing, specifying the purpose thereof. At such Special Meeting no business shall be transacted except such as shall be specified in the notice thereof.

At every meeting of the Association the presence of twenty-five members shall constitute a quorum.

The Executive Committee and the Committee on Law Reform shall meet in joint session on the first Friday in December, or at such other time as the chairman of said committees may order, but before such Annual Meeting, and shall prescribe such subjects for consideration at the Annual Meeting as said committee shall deem advisable. Notice of the time and place for holding the Annual Meeting shall be given by mail to each member of the Association at least fifteen days prior to the time fixed for holding said meeting, which notice shall specify the matters to be brought before the Annual Meeting as ordered by said committees. The actual expenses of said Executive Committee and said Committee on Law Reform, when certified by the Secretary of the Executive Committee, shall be paid by the Association. (Amended January 20, 1910.)

Nothing herein contained shall prevent the consideration at the Annual Meeting of any other business that may be regularly brought before it.

Each county, city or local Bar Association of this State may annually appoint delegates, not exceeding three in number, to the next meeting of this Association; such delegates, if not regular members of this Association, shall be entitled to all the privileges of membership at and during the said meeting, except that of voting. (Amended January 16, 1907.)

XIX. — FEES.

The annual dues of members shall be five dollars, and shall be payable yearly on or before the first of May in each year.

Annual dues, at the option of any member, may be commuted by the payment of fifty dollars at one time; and thereafter no further dues shall be payable by any such member.

XX. — EXPULSION.

Any member hereafter disbarred for any cause from the practice of law in this State shall forthwith, upon such disbarment, cease to be a member of this Association. (Added January 31, 1914.)

Any member may be suspended or expelled for misconduct in his relations to the Association, or in his profession, after conviction thereof by such method of procedure, as may be prescribed by the By-Laws, and all interest in the property of the Association, of persons ceasing to be members by expulsion, resignation or otherwise shall thereupon vest absolutely in the Association.

XXI. — ELECTIONS.

At each Annual Meeting there shall be elected by ballot the Officers of the Association, who shall hold their office from the close of one Annual Meeting until the close of the succeeding Annual Meeting.

In case of a vacancy in any office it shall be filled by appointment by the Executive Committee; which, however, can appoint a Vice-President only to the office of President.

XXII. — REPORTS OF COMMITTEES.

Except by the vote of two-thirds of the members present at a meeting, no report from any committee appointed at a previous meeting shall be acted upon, unless such report shall have been printed and sent to the members of the Association at least fifteen days prior to the meeting at which the report is to be considered. (Added January 29, 1909.)

XXIII. — COMMITTEE ON THE SELECTION OF CANDIDATES FOR JUDICIAL OFFICE.

There shall be a Committee on the Selection of Candidates for Judicial Office, to consist of three members of the Association from each Judicial District of the State.

It shall be their duty, as far as possible, to prevent the nomination, election or appointment of unfit or incompetent persons to judicial office in the State, whether on the State or Federal Bench, and where the same is threatened to aid in securing the nomination, election or appointment of fit and competent judicial officers; also to condemn unfit selections when made, as well as those responsible therefor, and all improper means and influences employed in procuring the same.

Such committee may be called together at any time, by their chairman or by the President or Executive Committee, and shall have power to pass such resolutions and take such steps as it may deem necessary to effect the purposes for which it is created, without the action of the entire Association, unless a stated meeting of such Association is to be held within a time that would make its action upon the recommendations of such committee effective, in which case the action of such committee shall first be reported to said Association for its approval. (Added January 29, 1909.)

XXIV. — AMENDMENTS.

This constitution shall go into effect immediately. It can be amended only by a two-thirds vote of the members present at a meeting of the Association, after notice of the proposed amendment, subscribed by at least ten members, shall have been given at the next previous meeting, and notice of the same shall have been also given by the Secretary in the notices of the meeting, and by the vote of at least fifty members in favor of such amendment. (Renumbered XXIV January 29, 1909.)

BY-LAWS

I. — PRESIDING OFFICERS.

The President, and in his absence, the Vice-President, shall preside at all meetings of the Association. If neither of these officers be present, a President, pro tem., shall be chosen by and from the attending members.

II. — ORDER OF BUSINESS.

At annual and adjourned meetings, after the appropriate opening thereof, the Order of Business will be:

1. Reading of the Minutes of the preceding meeting.
2. Nominations for Membership.
3. Report of Executive Committee.
4. Report of Treasurer.
5. Report of Committee on Admissions. .
6. Election of Members.
7. Election of Officers.
8. Reports of other Standing Committees.
9. Reports of other Special Committees.
10. Special Orders.
11. Miscellaneous Business.

This order of business may be changed at any meeting by vote of a majority of the members present. And, except as otherwise provided by the Constitution or By-laws, the usual Parliamentary rules and orders will govern the proceedings.

III. — SECRETARY.

The Secretary will keep a record of the proceedings of the Association, and of such other matters as may be directed by the Association to be placed on its files or record; will keep an accurate roll of officers and members, and notify officers and members of committees of their election or appointment; will issue notices of all meetings, with a brief note in case of special meetings, of the object for which they are called; will promptly furnish the Treasurer with the names of persons elected members, and will keep the seal of the Association. (Amended January 28, 1909.)

IV. — TREASURER.

The Treasurer will keep an accurate roll of the members; will notify members of their election; will collect, and under direction of the

Executive Committee, expend, deposit or invest the funds of the Association; will keep regular accounts in books of the Association, which accounts shall be open to inspection by any member of the Executive Committee; and will report, in writing at each stated meeting, and to the Executive Committee, as and when required by them, the financial condition of the Association. His report, at each Annual Meeting of the Association, shall exhibit a statement of receipts and expenditures for the year, and of outstanding obligations and appropriations, and an estimate of resources and expenditures for the ensuing year. And his accounts shall at all times be subject to examination and audit by the Executive Committee and by the Association, or by a Special Committee appointed for that purpose.

V.—EXECUTIVE COMMITTEE.

The Executive Committee, subject to the control of the Association, and within the limits of power prescribed by the Constitution and By-laws, may make such provisions and regulations and take such action as shall by them be deemed necessary or proper for conduct of the affairs and protection and disposition of the property of the Association.

There will be a meeting of the Committee on the 22d day of November, 1876, and an Annual Meeting thereof at the place selected for holding the Annual Meeting, on the day preceding the Annual Meeting of the Association, and such other meetings as they may appoint; and representatives from five judicial districts, or seven members, will be a quorum for the transaction of business. They shall choose from their number a Chairman and Secretary, and each District Executive Committee shall choose from their number a Chairman thereof; and they shall keep a record of their proceedings and report the same at each stated meeting of the Association, with such recommendations as they may deem advisable. (Amended January 28, 1909.)

Under regulations to be prescribed by this Committee, they may provide for action upon any subject or class of subjects through correspondence. Either

First. Whereby the individual votes of the several members of the General Executive Committee can be certified to the Secretary thereof; in which case ten negative votes (if returned to him within a period to be prescribed by the Committee) shall prevent the adoption of any resolution so acted upon; or,

Second. Whereby the votes of the various District Committees can be certified by the respective Chairman thereof, to the Secretary of the General Executive Committee; in which case, however, no resolution shall be regarded as adopted unless it receives the certified approval of at least five of the District Committees.

Subject to the control of the General Committee, and under regulations prescribed by them, their powers, in any matter or matters pertaining only to a district, may be exercised by the District Committee of such district, which Committee, subject to the like control and regulation, may also call meetings of the members of the Association residing and practicing within the district, to consider such matters.

VI. — COMMITTEE ON ADMISSIONS.

The Committee on Admissions will meet at the city of Albany on the 12th day of December, 1876, and on the day preceding each Annual Meeting of the Association, and at such other times and places as they may appoint, and five members will be a quorum for the transaction of business. They shall choose from their number a Chairman and Secretary.

Candidates for membership must be proposed in writing by one or more members of the Association; and any members of the Committee on Admissions in the district where the nominee resides or practices may affix thereto the approval of the Committee on Admissions, and transmit the same to the Secretary of the Executive Committee for further action. Proposals of the candidates for membership will state the name of the candidate, his place of residence or business, the time and place of his admission to the Bar, and such particulars as may best make known his character and professional status.

Each District Committee, in accordance with the regulations prescribed by the General Committee, may examine into the qualifications of any candidate and transmit a report thereon to the Secretary of the Executive Committee.

The proceedings of the General Committee and of each District Committee shall be secret and confidential, except as communicated between the Committees or two members thereof, or as publicity is required under the constitution.

It shall be the duty of the Committee on Admissions to seek to bring into membership of the Association all the lawyers in the respective judicial districts of the State, of honorable standing in the profession, who have been at the Bar at least three years.

VII. — COMMITTEE ON GRIEVANCES.

The Committee on Grievances shall choose from their number a Chairman and a Secretary, and shall meet on the day preceding each Annual Meeting of the Association, and at such other times as they may appoint. And twelve members will be a quorum for transaction of business.

Whenever a complaint is presented to the Committee, the Chairman will refer the same to a sub-committee of not less than three members of the Committee residing in the district where the person complained

of resides, or an adjoining district, and the Secretary will transmit to them the complaint and notice of such reference.

If the sub-committee, to whom a complaint is so referred, shall be of opinion that the matters alleged are of sufficient importance, they will cause to be served upon the person complained of, a copy of the complaint, together with not less than ten days' notice of the time and place of investigation, which notice shall also state the names of such sub-committee, and they will cause a similar notice to be served on the complainant. The answer or defence to such complaint need not be in writing. At the time and place so appointed (or to which the hearing may be adjourned), the sub-committee will proceed to consider the case upon the complaint, and upon the answer, if any, and the evidence. Upon the hearing, each party may appear personally and by counsel. Witnesses shall be asked to vouch for the truth of their statements on their word of honor. And if witnesses summoned by or under authority of the sub-committee are members of the Association, refusal or neglect to obey the summons may be reported to the Association for its action.

The sub-committee, after hearing the case, will transmit the pleadings and evidence and their conclusions thereupon to the Secretary, whose duty it shall be to submit the same to the Committee at the next meeting thereof. The Committee will thereupon proceed to consider the same, and may hear the parties and their counsel, and make their decisions, or may refer the matter for further investigation to the same or another sub-committee. And if, upon consideration, they find the complaint, or any material part of it, to be true, they will so report to the Executive Committee with their recommendation in the premises, and in their discretion, upon request of either party, they may also report the evidence or any portion thereof.

The Executive Committee shall consider such report and such evidence, if any, and shall with all convenient speed take such action on the report as they shall see fit. But no member shall be expelled from the Association unless by vote of at least two-thirds of the members present at a meeting of the Association and voting. (Amended January 12, 1917.)

VIII. — COMMITTEE ON PUBLICATION.

The President shall appoint a Committee on Publication on the first day of each annual meeting consisting of five members of whom the Secretary of the Association shall be one.

The printing and distribution of the annual address of the President, the Reports of Committees and papers presented at the Annual Meeting of the Association, otherwise than in the report of the proceedings of the Annual Meetings, shall be referred to the Committee on Publica-

tion, and only such distribution made as that Committee shall order.
(Added January 28, 1909.)

VIIIa.—COMMITTEE ON ARBITRATION.

The President shall annually appoint a committee of five members to be known as the Committee on Arbitration and to have supervision of all matters of arbitration under the By-laws of this Association. It shall compile and, from time to time, revise and print in such form as shall seem to it best a list of members of this Association that shall have signified their willingness to act as arbitrators hereunder. Such list shall be known as "The List of Official Arbitrators of the New York State Bar Association." It may be arranged and published in parts according to judicial districts.

The committee shall make all necessary rules and provide forms of submission not inconsistent with existing provisions of law, in pursuance of which a judgment of the Supreme Court may be entered on an award. Such forms shall also contain a stipulation of the parties to abide by the decision of the arbitrator or arbitrators and waiving all right to revoke such submission after the arbitrator or arbitrators shall have been sworn or the oath waived as provided by law.

The arbitrator or arbitrators to be selected shall be

- (a) One of the persons named in said "List of Official Arbitrators," who shall act as sole arbitrator; or
- (b) Any two persons (who may or may not be lawyers) one selected by each of the parties, but the third shall be designated from said "List of Official Arbitrators,"
- (c) The Committee on Arbitration of the New York State Bar Association or a quorum thereof. (Added January 13, 1917.)

VIIIb.—COMMITTEE ON LEGISLATION

The President shall appoint a Committee on Legislation which shall consist of fifteen members. It shall be empowered to watch pending legislation and proposed amendments to the law, especially with regard to procedure, and, when in its judgment action should be taken, report thereon to the Committee on Law Reform; and, alone, or in co-operation with individuals, other committees, civil bodies or other associations, support or oppose proposed or pending legislation when directed so to do by this Association or by the Executive Committee or by the Committee on Law Reform. (Added January 17, 1919.)

IX.—GENERAL POWERS AND DUTIES OF COMMITTEES.

Except as otherwise expressly provided by the Constitution or By-laws, five members will form a quorum of each standing committee, and each Committee will have power to fill vacancies in their number;

to adopt regulations for their own government and procedure; to declare a vacancy after three successive absences of a member; to impose and collect fines for non-attendance of their members, and provide for the disposal of such fines; and to order and arrange for the convenient transaction of business, and discharge of their duties by correspondence or through sub-committees, or otherwise.

The Chairman of each Committee will have power to call a meeting thereof on due notice; and the Secretary of a Committee or a Secretary of the Association shall, by like notice, call a meeting on the requisition in writing of at least five members of the Committee, or of the President of the Association.

Under direction of each Committee, the Secretary thereof will keep their records and minutes, and prepare and transmit the reports required by the Constitution.

Every Standing Committee shall meet and organize on the same day as elected, and shall also meet annually at the place selected for holding the annual meeting, on the day preceding the next Annual Meeting of the Association.

In case any Standing Committee shall fail to organize as above provided, then the President of the Association shall, in the first instance, designate a member of each such Standing Committee to be the Chairman thereof, and another member to be the Secretary thereof, until otherwise provided by such Committee.

When a Standing Committee is organized, it shall be the Chairman's duty to submit to its members such propositions for the suffrages of the Committee as any member may desire, or he may deem germane to the objects for which the Committee were appointed.

X. — ELECTION OF MEMBERS.

A vote of the Association, when taken upon the candidate for membership, shall be by ballot, and one negative vote in every four shall exclude the candidate.

No person so excluded shall be again proposed in one year thereafter, nor be voted upon by the Executive Committee. And if any person elected does not, within three months after notice thereof, pay his dues, and sign the Constitution and By-laws, or, by letter to the Secretary, authorize him to affix his name thereto, he shall be regarded as having declined to become a member. (Amended January 21, 1903.)

XI. — NON-PAYMENT OF DUES.

If any member fails to pay his yearly dues within one month after the first day of May, when the same become payable, it will be the duty of the Treasurer to serve upon him personally, or by mail, a copy of this By-law, and notice that unless the same are paid within one month

thereafter, the default will be reported to the Executive Committee, which may, by order, without further notice, cause the name of such member to be stricken from the rolls, and his membership and all rights in respect thereof will thereupon cease. The names of those so stricken from the membership roll by order of the Executive Committee for non-payment of dues, may be published, by direction of the Executive Committee, in a list of members dropped for non-payment of dues in the annual report of the proceedings of the Association. But upon his written application, satisfactorily explaining the default, and upon payment of all dues to the date thereof, the Executive Committee shall have power to remit the penalty of this By-law. (Amended January 24, 1908.)

XII. — AMENDMENT OF BY-LAWS.

These By-laws may be amended at any meeting of the Association or of the Executive Committee, by a vote of two-thirds of those present, provided that twenty days' previous notice in writing of the proposed amendment shall have been given to the Executive Committee and also to the Chairman of the Committee (if any) especially affected thereby.

RULES AND REGULATIONS

OF THE

EXECUTIVE COMMITTEE

I.

At any meeting of this Committee, in the absence of the Chairman, one of the attending members shall be chosen to preside.

II.

The action of this Committee upon any subject or matter within the limits of its powers shall be by resolution, in writing. If acted upon by correspondence, the Chairman of the District Committee which proposes or first adopts it will certify such resolution to the Secretary of this Committee, who shall transmit a copy thereof to the Chairman of each other District Committee, who shall then obtain and certify to the Secretary of this Committee the vote of his District Committee. The vote of a majority of each District Committee shall be so certified as its vote, and the Secretary of the General Committee shall enter upon the minutes of the proceedings, as the action of the General Committee, whatever shall be the result of, or sustained by the vote of, at least five District Executive Committees. And in case amendments to such resolution shall be adopted and certified from any District Committee, they shall be acted upon in like manner.

III.

The General Executive Committee and the District Executive Committees may transact business without assembling, and through correspondence by their Chairman or Secretary whenever directed by the Chairman of the General Executive Committee.

IV.

In case of filling a vacant office by correspondence, the Secretary of this Committee shall invite each District Committee to nominate persons therefor, and shall thereafter transmit a list of the persons so nominated to each District Committee, which shall vote thereon in like manner as provided in the second rule.

V.

In addition to the above methods of transacting business by the General Executive Committee, any member thereof may transmit to the Chairman any resolution, in writing, upon any subject whatever, and if the Chairman shall approve of submitting the same to the Committee, he shall forward it with such approval to the Secretary, who shall thereupon print and submit the same to all the members of the Committee, by mail, who shall forthwith return their votes thereon to the Secretary. Ten negative votes shall prevent the passage of any such resolution, and if that number shall not be received by the Secretary within ten days after he shall have mailed it to the members, such resolution shall be adopted, and so entered by the Secretary in the minutes; provided, such resolution receives a majority of the votes cast, and at least four affirmative votes. The Secretary shall submit, with every resolution, so sent by him, a copy of this clause of Rule V.

VI.

The Secretary shall promptly transmit to every officer of the Association (which includes all the Standing Committees), and also publish in the Albany Law Journal a statement of every resolution of this Committee, adopted by correspondence, and a transcript of the minutes of every meeting of this Committee.

VII.

Whenever the name of any member of the Bar shall have been duly transmitted to the Executive Committee, or its authorized officers, for the action of the Committee, it shall be the duty of the Secretary of this Committee to transmit to each of the members of this Committee a communication stating that certain persons have been duly proposed for membership, giving the names and addresses of such persons and calling upon the members of the Executive Committee to pass upon the names of the persons so proposed; and any applicant so proposed, in the absence of any dissenting vote cast after the expiration of ten days, in response to such communication, shall thereby be and become a member of the State Bar Association, upon complying with the Constitution and By-laws. The names of such persons as shall not meet with such approval shall be subsequently acted upon by the Executive Committee.

CANONS OF ETHICS

ADOPTED BY

**THE NEW YORK STATE BAR ASSOCIATION AT
ITS THIRTY-SECOND ANNUAL MEETING
HELD IN THE CITY OF BUFFALO
ON THE 28th AND 29th OF
JANUARY, 1909.**

"There is certainly, without any exception, no profession in which so many temptations beset the path to swerve from the line of strict integrity, in which so many delicate and difficult questions of duty are continually arising. There are pitfalls and mantraps at every step, and the mere youth, at the very outset of his career, needs often the prudence and self-denial as well as the moral courage, which belong commonly to riper years. High moral principle is the only safe guide, the only torch to light his way amidst darkness and obstruction."—GEORGE SHARSWOOD.

"Craft is the vice, not the spirit, of the profession. Trick is professional prostitution. Falsehood is professional apostasy. The strength of a lawyer is in thorough knowledge of legal truth, in thorough devotion to legal right. Truth and integrity can do more in the profession than the subtlest and wiliest devices. The power of integrity is the rule; the power of fraud is the exception. Emulation and zeal lead lawyers astray; but the general law of the profession is duty, not success. In it, as elsewhere, in human life, the judgment of success is but the verdict of little minds. Professional duty, faithfully and well performed, is the lawyer's glory. This is equally true of the Bench and of the Bar."—EDWARD G. RYAN.

"Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—in fees, expenses and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. Never stir up litigation. A worse man can scarcely be found than one who does this. Who can be more nearly a fiend than he who habitually overhauls the register of deeds in search of defects in titles, whereupon to stir up strife and put money in his pocket? A moral tone ought to be enforced in the profession which would drive such men out of it."—ABRAHAM LINCOLN.

CANONS OF ETHICS

I

PREAMBLE

In America, where the stability of Courts and of all departments of government rests upon the approval of the people, it is peculiarly essential that the system for establishing and dispensing Justice be developed to a high point of efficiency and so maintained that the public shall have absolute confidence in the integrity and impartiality of its administration. The future of the Republic, to a great extent, depends upon our maintenance of Justice pure and unsullied. It cannot be so maintained unless the conduct and the motives of the members of our profession are such as to merit the approval of all just men.

II

THE CANON OF ETHICS

No code or set of rules can be framed, which will particularize all the duties of the lawyer in the varying phases of litigation or in all the relations of professional life. The following canons of ethics are adopted by the New York State Bar Association as a general guide, yet the enumeration of particular duties should not be construed as a denial of the existence of others equally imperative, though not specifically mentioned.

1. **The Duty of the Lawyer to the Courts.**—It is the duty of the lawyer to maintain towards the Courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a judicial officer, it is the right and duty of the lawyer to submit the grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

2. **The Selection of Judges.**—It is the duty of the Bar to endeavor to prevent political considerations from outweighing judicial fitness in the selection of Judges. It should protest earnestly and actively against the appointment or election of those who are unsuitable for the Bench; and it should strive to have elevated thereto only those willing to forego other employments, whether

of a business, political or other character, which may embarrass their free and fair consideration of questions before them for decision. The aspiration of lawyers for judicial position should be governed by an impartial estimate of their ability to add honor to the office and not by a desire for the distinction the position may bring to themselves.

3. Attempts to Exert Personal Influence on the Court.—Marked attention and unusual hospitality on the part of a lawyer to a Judge, uncalled for by the personal relations of the parties, subject both the Judge and the lawyer to misconstructions of motive and should be avoided. A lawyer should not communicate or argue privately with the Judge as to the merits of a pending cause, and he deserves rebuke and denunciation for any device or attempt to gain from a Judge special personal consideration or favor. A self-respecting independence in the discharge of professional duty, without denial or diminution of the courtesy and respect due the Judge's station, is the only proper foundation for cordial personal and official relations between Bench and Bar.

4. When Counsel for an Indigent Prisoner.—A lawyer assigned as counsel for an indigent prisoner ought not to ask to be excused for any trivial reason, and should always exert his best efforts in his behalf.

5. The Defense or Prosecution of Those Accused of Crime.—It is the right of the lawyer to undertake the defense of a person accused of crime, regardless of his personal opinion as to the guilt of the accused; otherwise innocent persons, victims only of suspicious circumstances, might be denied proper defense. Having undertaken such defense, the lawyer is bound by all fair and honorable means, to present every defense that the law of the land permits, to the end that no person may be deprived of life or liberty, but by due process of law.

The primary duty of a lawyer engaged in public prosecution is not to convict, but to see that justice is done. He should avoid oppression and injustice of any kind whatsoever. The suppression of facts or the secreting of witnesses capable of establishing the innocence of the accused is a public wrong.

6. Adverse Influences and Conflicting Interests.—It is the duty of a lawyer at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of counsel.

It is unprofessional to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this canon, a lawyer represents con-

flicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.

7. Professional Colleagues and Conflicts of Opinion.—A client's proffer of assistance of additional counsel should not be regarded as evidence of want of confidence, but the matter should be left to the determination of the client. A lawyer should decline association as colleague if it is objectionable to the original counsel, but if the lawyer first retained is relieved, another may come into the case.

When lawyers jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to him for his final determination. His decision should be accepted unless the nature of the difference makes it impracticable for the lawyer whose judgment has been overruled to co-operate effectively. In this event it is his duty to ask the client to relieve him.

Efforts, direct or indirect, in any way to encroach upon the business of another lawyer, are unworthy of those who should be brethren at the Bar; but, nevertheless, it is the right of any lawyer, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful counsel, generally after communication with the lawyer of whom the complaint is made.

8. Advising Upon the Merits of a Client's Cause.—A lawyer should endeavor to obtain full knowledge of his client's cause before advising thereon, and he is bound to give a candid opinion of the merits and probable result of pending or contemplated litigation. The miscarriages to which justice is subject, by reason of surprises and disappointments in evidence and witnesses, and through mistakes of juries and errors of Courts, even though only occasional, admonish lawyers to beware of bold and confident assurances to clients, especially where the employment may depend upon such assurance. Whenever the controversy will admit of fair adjustment, the client should be advised to avoid or to end the litigation.

9. Negotiations With Opposite Party.—A lawyer should not in any way communicate upon the subject of controversy with a party represented by counsel; much less should he undertake to negotiate or compromise the matter with him, but should deal only with his counsel. It is incumbent upon the lawyer most particularly to

avoid everything that may tend to mislead a party not represented by counsel, and he should not undertake to advise him as to the law.

10. Acquiring Interest in Litigation.—The lawyer should not purchase any interest in the subject matter of the litigation which he is conducting.

11. Dealing With Trust Property.—Money of the client or other trust property coming into the possession of the lawyer should be reported promptly, and except with the client's knowledge and consent should not be commingled with his private property or be used by him.

12. Fixing the Amount of the Fee.—In fixing fees, lawyers should avoid charges which overestimate their advice and services, as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the service, though his poverty may require a less charge, or even none at all. The reasonable requests of brother lawyers, and of their widows and orphans without ample means, should receive special and kindly consideration.

In determining the amount of the fee, it is proper to consider: (1) the time and labor required, the novelty and difficulty of the questions involved and the skill requisite properly to conduct the cause; (2) whether the acceptance of employment in the particular case will preclude the lawyer's appearance for others in cases likely to arise out of the transaction, and in which there is a reasonable expectation that otherwise he would be employed, or will involve the loss of other business while employed in the particular case or antagonisms with other clients; (3) the customary charges of the Bar for similar services; (4) the amount involved in the controversy and the benefits resulting to the client from the services; (5) the contingency or the certainty of the compensation; and (6) the character of the employment, whether casual or for an established and constant client. No one of these considerations in itself is controlling. They are mere guides in ascertaining the real value of the service.

In fixing fees it should never be forgotten that the profession is a branch of the administration of justice and not a mere money-getting trade.

13. Contingent Fees.—Contingent fees, where sanctioned by law, should be under the supervision of the Court in order that clients may be protected from unjust charges.

14. Suing a Client for a Fee.—Controversies with clients concerning compensation are to be avoided by the lawyer so far as shall be compatible with his self-respect and with his right to

receive reasonable recompense for his services; and lawsuits with clients should be resorted to only to prevent injustice, imposition or fraud.

15. How Far a Lawyer May Go in Supporting a Client's Cause.—Nothing operates more certainly to create or to foster popular prejudice against lawyers as a class, and to deprive the profession of that full measure of public esteem and confidence which belongs to the proper discharge of its duties than does the false claim, often set up by the unscrupulous in defense of questionable transactions, that it is the duty of the lawyer to do whatever may enable him to succeed in winning his client's cause.

It is improper for a lawyer to assert in argument his personal belief in his client's innocence or in the justice of his cause.

The lawyer owes "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and the exertion of his utmost learning and ability," to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied. No fear of judicial disfavor or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum the client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his lawyer to assert every such remedy or defense. But it is steadfastly to be borne in mind that the great trust of the lawyer is to be performed within and not without the bounds of the law. The office of attorney does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicanery. He must obey his own conscience and not that of his client.

16. Restraining Clients from Improprieties.—A lawyer should use his best efforts to restrain and to prevent his clients from doing those things which the lawyer himself ought not to do, particularly with reference to their conduct towards Courts, judicial officers, jurors, witnesses and suitors. If a client persists in such wrongdoing the lawyer should terminate their relation.

17. Ill Feeling and Personalities Between Advocates.—Clients, not lawyers, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence counsel in their conduct and demeanor toward each other or toward suitors in the case. All personalities between counsel should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncrasies of counsel on the other side. Personal colloquies between counsel which cause delay and promote unseemly wrangling should also be carefully avoided.

18. Treatment of Witnesses and Litigants.—A lawyer should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudices of a client in the trial or conduct of a cause. The client cannot be made the keeper of the lawyer's conscience in professional matters. He has no right to demand that his counsel shall abuse the opposite party or indulge in offensive personalities. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

19. Appearance of Lawyer as Witness for His Client.—When a lawyer is a witness for his client, except as to merely formal matters, such as the attestation or custody of an instrument and the like, he should leave the trial of the case to other counsel. Except when essential to the ends of justice, a lawyer should avoid testifying in Court in behalf of his client.

20. Newspaper Discussion of Pending Litigation.—Newspaper publications by a lawyer as to pending or anticipated litigation may interfere with a fair trial in the Courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement to the public, it is unprofessional to make it anonymously. An *ex parte* reference to the facts should not go beyond quotation from the records and papers on file in the Court; but even in extreme cases it is better to avoid any *ex parte* statement.

21. Punctuality and Expedition.—It is the duty of the lawyer not only to his client, but also to the Courts and to the public to be punctual in attendance, and to be concise and direct in the trial and disposition of causes.

22. Candor and Fairness.—The conduct of the lawyer before the Court and with other lawyers should be characterized by candor and fairness.

It is unprofessional and dishonorable for the lawyer knowingly to misquote the contents of a paper, the testimony of a witness, the language or the argument of opposing counsel, or the language of a decision or a text-book; or with knowledge of its invalidity, to cite as authority a decision that has been overruled, or a statute that has been repealed; or in argument to assert as a fact that which has not been proved, or in those jurisdictions where a side has the opening and closing arguments to mislead his opponent by concealing or withholding positions in his opening argument upon which his side then intends to rely.

It is unprofessional and dishonorable to deal other than honestly with the facts in taking the statements of witnesses, in drawing affidavits and other documents, and in the presentation of causes.

A lawyer should not offer evidence, which he knows the Court should reject, in order to get the same before the jury by argument for its admissibility, nor should he address to the Judge arguments upon any point not properly calling for determination by him. Neither should he introduce into an argument, addressed to the Court, remarks or statements intended to influence the jury or bystanders.

These and all kindred practices are unprofessional and unworthy of an officer of the law charged, as is the lawyer, with the duty of aiding in the administration of justice.

23. Attitude Toward Jury.—All attempts to curry favor with juries by fawning, flattery or pretended solicitude for their personal comfort are unprofessional. Suggestions of counsel, looking to the comfort or convenience of jurors, and propositions to dispense with argument, should be made to the Court out of the jury's hearing. A lawyer must never converse privately with jurors about the case; and both before and during the trial he should avoid communicating with them, even as to matters foreign to the cause.

24. Right of Lawyer to Control the Incidents of the Trial.—As to incidental matters pending the trial, not affecting the merits of the cause, or working substantial prejudice to the rights of the client, such as forcing the opposite lawyer to trial when he is under affliction or bereavement; forcing the trial on a particular day to the injury of the opposite lawyer when no harm will result from a trial at a different time; agreeing to an extension of time for signing a bill of exceptions, cross interrogatories and the like, the lawyer must be allowed to judge. In such matters no client has a right to demand that his counsel shall be illiberal, or that he do anything therein repugnant to his own sense of honor and propriety.

25. Taking Technical Advantage of Opposite Counsel; Agreements With Him.—A lawyer should not ignore known customs or practice of the Bar or of a particular Court, even when the law permits, without giving timely notice to the opposing counsel. As far as possible, important agreements, affecting the rights of clients, should be reduced to writing; but it is dishonorable to avoid performance of an agreement fairly made because it is not reduced to writing, as required by rules of Court.

26. Professional Advocacy Other Than Before Courts.—A lawyer openly, and in his true character may render professional services before legislative or other bodies, regarding proposed legislation and in advocacy of claims before departments of government, upon the same principles of ethics which justify his

appearance before the Courts; but it is unprofessional for a lawyer so engaged to conceal his attorneyship, or to employ secret personal solicitations, or to use means other than those addressed to the reason and understanding to influence action.

27. Advertising, Direct or Indirect.—The most worthy and effective advertisement possible, even for a young lawyer, and especially with his brother lawyers, is the establishment of a well-merited reputation for professional capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not *per se* improper. But solicitation of business by circulars or advertisements, or by systematic personal canvassing is unprofessional. It is equally unprofessional to procure business by indirection through touters of any kind, whether allied real estate firms or trust companies advertising to secure the drawing of deeds or wills or offering retainers in exchange for executorships or trusteeships to be influenced by the lawyer. Indirect advertisement for business by furnishing or inspiring newspaper comments concerning causes in which the lawyer has been or is engaged, or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the lawyer's positions, and all other like self-laudation, defy the traditions and lower the tone of our high calling, and are intolerable.

28. Stirring up Litigation, Directly or Through Agents.—It is unprofessional for a lawyer to volunteer advice to bring a lawsuit, except in rare cases where ties of blood, relationship or trust make it his duty to do so. Stirring up strife and litigation is not only unprofessional, but it is indictable at common law. It is disreputable to hunt up defects in titles or other causes of action and inform thereof in order to be employed to bring suit, or to breed litigation by seeking out those with claims for personal injuries or those having any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward, directly or indirectly, those who bring or influence the bringing of such cases to his office, or to remunerate policemen, court or prison officials, physicians, hospital *attaches* or others who may succeed, under the guise of giving disinterested friendly advice, in influencing the criminal, the sick and the injured, the ignorant or others, to seek his professional services. A duty to the public and to the profession devolves upon every member of the Bar, having knowledge of barratrous practices upon the part of any practitioner, immediately to inform thereof to the end that the offender may be disbarred.

29. Upholding the Honor of the Profession.—Lawyers should expose without fear or favor before the proper tribunals corrupt or dishonest conduct in the profession, and should accept without hesitation employment against a member of the Bar who has wronged his client. The counsel upon the trial of a cause in which perjury has been committed owe it to the profession and to the public to bring the matter to the knowledge of the prosecuting authorities. The lawyer should aid in guarding the Bar against the admission to the profession of candidates unfit or unqualified because deficient in either moral character or education. He should strive at all times to uphold the honor and to maintain the dignity of the profession and to improve not only the law but the administration of justice.

30. Justifiable and Unjustifiable Litigations.—The lawyer must decline to conduct a civil cause or to make a defense when convinced that it is intended merely to harass or to injure the opposite party or to work oppression or wrong. But otherwise it is his right, and, having accepted retainer, it becomes his duty to insist upon the judgment of the Court as to the legal merits of his client's claim. His appearance in Court should be deemed equivalent to an assertion on his honor that in his opinion his client's case is one proper for judicial determination.

31. Responsibility for Litigation.—No lawyer is obliged to act either as adviser or advocate for every person who may wish to become his client. He has the right to decline employment. Every lawyer upon his own responsibility must decide what business he will accept as counsel, what causes he will bring into Court for plaintiffs, what cases he will contest in Court for defendants. The responsibility for advising questionable transactions, for bringing questionable suits, for urging questionable defenses, is the lawyer's responsibility. He cannot escape it by urging as an excuse that he is only following his client's instructions.

32. The Lawyer's Duty in Its Last Analysis.—No client, corporate or individual, however powerful, nor any cause, civil or political, however important, is entitled to receive, nor should any lawyer render, any service or advice involving disloyalty to the law whose ministers we are, or disrespect of the judicial office, which we are bound to uphold, or corruption of any person or persons exercising a public office or private trust, or deception or betrayal of the public. When rendering any such improper service or advice, the lawyer invites and merits stern and just condemnation. Correspondingly, he advances the honor of his profession and the best interests of his client when he renders service or gives advice tending to impress upon the client and his undertaking

exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law, though until a statute shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

III

OATH OF ADMISSION

The general principles which should ever control the lawyer in the practice of his profession are clearly set forth in the following Oath of Admission to the Bar:

I DO SOLEMNLY SWEAR:

I will support the Constitution of the United States and the Constitution of the State of New York.

I will maintain the respect due to Courts of Justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land.

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the Judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with his business except from him or with his knowledge and approval;

I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice. SO HELP ME GOD.

PROCEEDINGS

The Association convened in the meeting room of the Association of the Bar of the City of New York, 42 West 44th Street, New York City, on Friday, January 21, 1921, and was called to order by Hon. Francis M. Scott, of New York, Vice-President of the Association for the First District.

Henry W. Goddard, Chairman of the Reception Committee of the Association of the Bar of the City of New York, extended a welcome to the Association on behalf of his Association.

The Chairman:

The report of the Executive Committee will be read by the Secretary, Mr. Wadhams.

The report of the Executive Committee was read by the Secretary as follows:

REPORT OF THE EXECUTIVE COMMITTEE

To the Members of the New York State Bar Association:

I. During the course of the year, the Executive Committee has considered various matters coming within its jurisdiction, most of which are not of sufficient permanent importance to warrant a detailed report. There was, however, one special matter of particular interest to the profession and the public, which related to the New York Practice Acts and the new Rules of Procedure, and which calls for mention.

The President of the Association was requested by Governor Smith to advise him as to the judgment of the Association in respect of the group of bills on practice and procedure prepared by the Joint Legislative Committee, including a bill providing for a new civil practice act and a bill providing for a convention of the judiciary and the bar to consider and adopt rules of practice. Thereupon, a special meeting of the Association was called by the President to consider these bills, and the meeting was held at the city of New York on May 14, 1920.

At this special meeting, your committee submitted a report reviewing and emphasizing the past activities of the Association in regard to the subject of reform in our system of civil practice and procedure,

and the work done by the special committee of which Mr. Taft was chairman for four years and Judge Clearwater for two years. This special committee had reported to the Association yearly from 1915 to 1920, both inclusive, and its reports with the accompanying remarks of the learned chairmen showed the exceptional care and accurate thoroughness with which the members of the special committee had studied a subject so vitally affecting the due and satisfactory administration of justice in this State and the permanent welfare of the community.

The report which your committee submitted at such special meeting held last May among other things stated as follows:

"The bar and bench alone can bring competent service, expert knowledge and practical experience in aid of a wise and provident solution of this great and momentous question of reform in the law of procedure. The profession owes a special duty to the community to afford that aid in the fullest measure of its ability and power. It would indeed be a reproach to the profession if, after so many years of effort, nothing were now to be accomplished, either because of differences of opinion as to means towards an imperatively needed reform, or as to what might be regarded a more scientific method, or because of indifference on the part of members of the bar, or disinclination to take up the study of any new system, however much an improvement on the existing procedure. The determining factor should be whether the proposed practice act would or would not be an improvement on the present code. * * *

"The new Civil Practice Act contains 1540 sections as against 2732 of the present Code of Civil Procedure, and its arrangement and language are a distinct improvement on the existing arrangement and language. Indisputably, as it seems to your Executive Committee, it simplifies and clarifies the Code, and it will simplify our procedure. Not only will our civil practice thereunder be greatly simplified, but it will be rendered more certain, prompt and economical, without abolishing familiar forms and methods of procedure. * * *

"Your Executive Committee is of opinion that the merits of the bills now before the Governor justified their passage by the Legislature, and it, therefore, recommends that they be approved by the Association as tending to promote simplification, expedition and economy in the administration of justice in the courts of the State of New York."

Thereupon a resolution was adopted by the Association reading as follows:

"Resolved that the report of the Executive Committee, dated May 14, 1920, be approved, and that the President be authorized and requested to advise the Governor that in the judgment of this Association the group of bills referred to in the report of the Executive Committee, which bills were drafted and introduced by the Joint Legislative Committee, constitute an improvement on the present system of procedure under the Code of Civil Procedure, and that their approval by him will tend to promote simplification, expedition and economy in the administration of justice in the courts of the State of New York, although such legislation does not go as far in the direction of simplification of practice as this Association has heretofore urged and still favors.

"Resolved further that the Special Committee on the Practice Act be continued, and instructed to examine the said bills and report to the Association any amendments they may deem advisable, with power to correspond and confer with other bar associations."

II. The Appellate Divisions of the Supreme Court created by the Constitution of 1894, have now been in operation for a quarter of a century, and the twenty-fifth anniversary of the opening of the court in January, 1896, has been the subject of many favorable comments upon the work and success of the court. What was in 1896 an experiment in an effort to establish a more satisfactory system of intermediate appellate tribunals has proved a great practical success and a valuable achievement, and has eminently justified the expectation and insistence of those able

and far-sighted lawyers who framed the present Judiciary Article of the Constitution and participated in the deliberations of the Constitutional Convention of 1894.

In the First Judicial Department, the Bar commemorated the twenty-fifth anniversary of the opening of the court in the city of New York in January, 1896, by a meeting in the court room of the Appellate Division on Tuesday, January 4th, which was most impressive. Ex-Senator Root, Chairman of the Judiciary Committee of the Convention of 1894, and President of the Convention of 1915, was the spokesman on behalf of the Bar of the State, and delivered an exceptionally eloquent, elevating and inspiring address, in which he recited, as this really great jurist and statesman alone could do, the objects sought to be accomplished in founding the court, and traced its history, services and success. Mr. Milburn, President of the Association of the Bar of the city of New York, Mr. Stanchfield, Vice-President of the New York County Lawyers' Association, and Mr. Knoepfel, President of the Association of the Bar of the County of Bronx, as representatives of their respective associations, made appropriate and complimentary remarks, showing the great confidence and high esteem in which the court has long and justly been held by all classes of the community.

The proceedings were published in full in the New York Law Journal for January 5, and will well repay perusal by our members, for much of what was said was distinctly of permanent interest and value.

To those lawyers who cannot recall the system of intermediate appellate courts or General Terms, which existed prior to 1896, and which had, indeed, ceased to command the respect and confidence of the bar, it will be difficult to realize how great has been the public service rendered by the Appellate Divisions throughout the State, and the extent of the reform brought about by these capable courts. They have been in every sense of the term strictly appellate tribunals, with the full liberty, responsibility and detachment that such tribunals should have. They have represented the majesty of the State competently and satisfactorily, have satisfactorily administered equal and impartial

justice, and have maintained a truly state court delocalized from the cramping effects of local limitations, environments and prejudices.

Next only to the manner in which the Justices of the Appellate Division have discharged their duties in disposing of appeals, and the high merit of their decisions and opinions, the most conspicuous and satisfactory feature of their work has been the administration of the important and delicate duty of fixing the times and places for holding Special and Trial Terms, assigning the Justices in the several departments to hold such terms, and making rules therefor, as provided in section 2 of Article VI of the Constitution.

As Senator Root said in his eloquent address:

“The convention sought also to create a definite and effective control over the performance of the business of the whole Supreme Court in all its parts by giving to the new tribunal power to fix the times and places of the holding of Trial and Special Terms, and to assign the justices to the performance of duty in them, hoping in that way to put a check on the tendency that had been too often observed in our procedure to log-rolling and bargaining for position in order to obtain the control of patronage, the granting of favors, the appointment of referees and receivers — patronage, that most baleful influence for the demoralization and destruction of the judicial spirit. It also sought to give to the court dignity and authority by making its decisions final on questions of fact and thus saving the Court of Appeals for its proper function of determining disputed questions of law.”

Another feature of the Judiciary Article of the Constitution of 1894, which has proved to be eminently successful and satisfactory, has been the power vested in the Governor to appoint a minority of each Appellate Division from among the Justices elected and residing in other departments. No small measure of the success of these courts, of the excellence of their judicial work and of the high esteem and confidence in which they have been and are

now universally held, has been undoubtedly due to the services of these non-resident Justices and to the varied knowledge and experience they were able to bring to their respective courts.

III. But the most striking and remarkable feature of the judicial work of the Appellate Divisions has been the vast amount of business transacted by them without any sacrifice of that care and consideration of all questions of law and fact to which litigants are entitled, and which is so essential if we are to have justice according to the law and the facts.

The statistics furnished to your committee are as follows:

APPELLATE DIVISION, FIRST DEPARTMENT.

The total number of appeals and motions disposed of from January 1, 1896, to December 31, 1920, was 43,991, an average of 1,760 per annum, divided as follows: enumerated motions, 17,822; non-enumerated motions, 12,179; incidental motions, 13,990; total 43,991.

During the course of the twenty-five years, the court rendered 17,857 opinions, or an average of 714 opinions per annum, to be found in 193 volumes of the Appellate Division reports.

The records further show that from these decisions only 5,393 appeals were taken to the Court of Appeals (excluding the few still pending unheard and undetermined) with the following extraordinary results, viz.: affirmances 4,234, or 79 per cent; reversals 980, or 18 per cent; modifications 179, or 2 per cent.

APPELLATE DIVISION, SECOND DEPARTMENT.

The total number of appeals and motions disposed of by the Appellate Division of the Second Department was 41,973, including 17,169 appeals from judgments, 6,744 appeals from orders, 13,246 motions and 4,814 appeals marked off the calendar as settled or withdrawn.

The court during the same period rendered 10,628 opinions, or an average of 425 opinions per annum.

It should be added that this court in recent years has adopted the policy of not handing down an opinion upon an affirmance unless the case determined some question of new general application of established principles, or of first impression, and in reversals of not writing opinions when the error was of no general interest or importance, and could be readily pointed out in a memorandum. Nevertheless, the practice of this court is never to reverse a case without some statement of its reasons; and the absence of an opinion in no way indicates that the court has not given the appeal as careful and full consideration as those in which opinions are written. Every case in the court in which an opinion or memorandum is not written, is nevertheless always disposed of in the court by written report and record.

APPELLATE DIVISION, THIRD DEPARTMENT

The total number of appeals heard and disposed of by the Appellate Division of the Third Judicial Department at Albany was 9,538, including 6,194 appeals from judgments, writs of certiorari, submissions of controversies, etc., 2,458 appeals from orders, and 886 appeals from Workmen's Compensation Awards. In addition, the records show 1,732 original motions disposed of.

APPELLATE DIVISION, FOURTH DEPARTMENT

Unfortunately, as reported to us by its librarian at Rochester, the records of the Appellate Division of the Fourth Judicial Department are incomplete, and all that we have been furnished is a statement covering the thirteen years from 1908 to 1920, both inclusive. The record for these years is a total of appeals heard 6,373, of which the librarian estimates 85 per cent to have been appeals from judgments. In addition there were a large number of motions, such as to dismiss an appeal, which were heard at the opening of the term and were not placed on any calendar.

As the members of the Association are familiar with the work of these intermediate appellate tribunals and the highly satisfactory manner in which the members of the

respective courts have discharged their important duties, it is unnecessary to express any extended or more adequate appreciation. The opinions printed in 193 volumes of the Appellate Division reports form a splendid monument to indefatigable labor and legal ability and scholarship of a very high order, and the profession may well feel proud of the results achieved and of the excellent standards set and maintained. Their opinions both as to literary form and contents have constituted a distinct and permanent contribution to the development of our jurisprudence. It is no exaggeration to say, and this Association of the Bar of the whole State should acclaim, that the several Appellate Divisions have rendered a really great service to the State and to the science of the law, that they are entitled to public gratitude, and that they fully deserve the great confidence and high esteem with which all classes of the community regard them.

IV. The minutes of your committee, which are submitted herewith, show in detail its administrative work, and may be briefly summarized as follows:

1. The death of Mr. Albert Hessberg calls for appropriate resolutions expressing the regret of the Association and its appreciation of his many years of devoted and efficient service as Treasurer, and the following resolution is submitted:

Resolved, That the New York State Bar Association record its condolence with Mr. Albert Hessberg's family in their bereavement and the loss which the Association sustains in his death.

"Mr. Hessberg was for many years an active and distinguished member of the Association, and as Treasurer served it ungrudgingly and unselfishly for twenty-five years in promoting the interests of the Association. He was admitted to the Bar in 1877 and in 1881 became a member of the firm of Peckham, Rosendale and Hessberg, of which Rufus W. Peckham was a member. Mr. Hessberg served with distinction as Assistant Corporation Counsel from 1881 to 1885 and as recorder of Albany from 1888 to 1896. When he died on July 25, 1920, he had long been recognized as an able lawyer and was in the highest repute in the profession.

"The Association is much indebted to Mr. Hessberg and his firm for able and devoted service and particularly in the office of Treasurer. Mr. Rosendale was President of the Association in 1898-1899 and Treasurer in 1884-1892, and Mr. Hessberg continued the service and tradition. Indeed, Mr. Rosendale filled the office for eight years and Mr. Hessberg for twenty-five years. so that the service of these two partners practically covers the life of the Association.

"Resolved Further, That an engrossed copy of this resolution be sent to Mr. Hessberg's family and to his firm, to the end that they may know that his services were appreciated and that his death is lamented by his associates."

Mr. Loran L. Lewis, Jr., of the Buffalo Bar, was elected Treasurer in Mr. Hessberg's place at a special meeting held on October 19, 1920, and promptly took up the important work of the office.

2. During the course of the year 215 members were elected, and the roll as of January 20, 1921, comprises 3,428 members, being the largest membership the Association has ever had.

3. Appropriate action was taken in respect of members in arrears in the payment of their dues and of members who had failed to qualify.

4. No progress was made in regard to the subject of establishing headquarters for the Association in Albany so as to afford facilities for the convenience of members of the Association when at the capital of the State, as outlined in last year's report, and that matter should go over for attention by the Executive Committee for the year 1921.

5. The following appropriations were duly made:
\$2,000 00 for the salary of the Secretary of the Association during the year 1921.
600 00 for the Secretary to cover expenses of clerical assistance during the year 1921.

- \$750 00 for the Treasurer to cover clerical assistance during the year 1921.
- 250 00 for Mr. Kaestner, for extra services in connection with the annual meeting.
- 100 00 to cover the expenses of the Committee on Membership.
- 75 00 for Miss Vincent and other clerks in Secretary's office.

All of which is respectfully submitted for the consideration of the Association.

New York, January 20, 1921.

THE EXECUTIVE COMMITTEE OF THE NEW YORK
STATE BAR ASSOCIATION,

BY WILLIAM D. GUTHRIE, *Chairman*,
WM. V. R. ERVING, *Secretary*.

The Chairman:

Gentlemen, you have heard the report, and, if there is no objection, it will be placed on file. The Chair hearing no objection, it is so ordered.

The Chairman:

Next in order is the report of the Treasurer.

Loran L. Lewis, Jr., of Buffalo, the Treasurer of the Association, presented his report as follows:

TREASURER'S REPORT.

ALBANY, N. Y., *October 21, 1920.*

To the New York State Bar Association:

The following is the report of the Treasurer from January 5, 1920, date of last report, to October 21, 1920:

Amount on hand at date of last report	\$7,910 23
Amount received for dues during year	11,925 00
Interest on United States Government	
Liberty Loan bonds.....	214 63
Interest on funds in The National Sav-	
ings Bank of the City of Albany....	8 32

Total	\$20,058 18
Actual disbursements during year	11,336 33
	<hr/>
Balance on hand at date of this report	\$8,721 85
	<hr/> <hr/>

FUNDS

Amount on deposit in Union Trust Co., now known as The National Commercial Bank and Trust Company of Albany	\$2,121 68
Amount on deposit in The National Savings Bank of the City of Albany	550 17
Six United States Government Liberty Loan \$1,000 bonds	6,000 00
One United States Government Liberty Loan bond	50 00
	<hr/>
Total	\$8,721 85
	<hr/> <hr/>

H. T. CURTIN,
For ALBERT HESSBERG, *Treasurer*.

SUMMARY OF DISBURSEMENTS.

Checks outstanding at date of last report	\$7 90
Expenses of annual meeting, reception and banquet, 1920	3,270 40
Expenses of special meeting of Association	209 44
Expenses of annual report and distribution	4,448 16
General expenses of Association — printing various reports, proceedings of meetings, stamps, etc.	1,402 38
Secretary's account, including traveling expenses, telegrams, long distance telephone calls, express charges, stamps, stationery, printing, etc.	457 35
Secretary's clerical assistance	300 00
Secretary's salary	999 96

Treasurer's account, including printing, book of vouchers, stamped envelopes, etc.....	\$243 64
	<hr/>
	\$11,339 23
Check not returned.....	2 90
	<hr/>
	\$11,336 33
	<hr/> <hr/>

MEMBERSHIP

Number of members who paid dues for 1918.....	52
Number of members who paid dues for 1919.....	124
Number of members who paid dues for 1920.....	2,069
Number of life members	178
Increase in life membership during year.....	14
Number of resignations reported to Treasurer's office.	22
Number of deaths reported to Treasurer's office.....	43
Number of members who failed to pay dues for 1920.	640
Number of members who failed to pay dues for 1919-1920.. ..	64
Number of new members who have failed to qualify..	14
	<hr/> <hr/>

ACTIVE MEMBERSHIP

Life members	178
General members	2,105
	<hr/>
Total	2,283
Members in arrears.....	704
	<hr/> <hr/>

H. T. CURTIN,
For ALBERT HESSBERG, *Treasurer.*

The foregoing accounts have been audited and found correct.

Dated, October 25, 1920.

MERWYN H. NELLIS,
SAMUEL CAPLAN,
EDWARD J. HALTER,
Auditing Committee.

BUFFALO, N. Y., January 14, 1921.

To the New York State Bar Association:

The following is the report of the Treasurer of the Association from October 21, 1920, the date of the report just submitted on behalf of Mr. Albert Hessberg, the late Treasurer of the Association, to and including January 14, 1921:

Amount on hand at date of last report, October 21, 1920, made on behalf of Mr. Albert Hessberg and duly audited	\$8,721 85	
Amount received for dues, October 21, 1920, to January 14, 1921.....	2,420 00	
Interest on funds at the National Savings Bank of Albany, N. Y....	11 25	
Interest on United States Government Liberty Loan Bonds.....	42 50	
		\$11,195 60
Actual disbursements during period October 21, 1920, to January 14, 1921.....		3,395 54
Total		\$7,800 06

FUNDS.

Amount on deposit with Buffalo Trust Co.....	\$1,750 06
Six United States Government Liberty Loan \$1,000 bonds	6,000 00
One United States Government Liberty Loan Bond	50 00
	\$7,800 06

SUMMARY OF DISBURSEMENTS

Secretary's salary, six months, to January 1, 1921	\$1,000 04
Secretary's clerical assistance.....	300 00
Secretary's account, including traveling expenses, telegrams, long distance telephone calls, express charges, stamps, stationery, printing, etc.	407 65

Treasurer's account of clerical services to Mr.
Hessberg. \$416 66

General Expenses of the Association:

Hamilton Printing Co., printing list of members and list of officers...	\$62 50	
Klips, Inc., Clippings from April to October	10 00	
C. P. Brate, stamped envelopes, let- terheads, indices, etc.	75 80	
C. P. Brate, envelopes, circular let- ters, indices, etc.	201 75	
C. P. Brate, stamped envelopes, let- terheads, index cards, applica- tions for membership, etc.....	376 18	
		<hr/> 726 23

Expenses of Meeting — November 12, 1920,
Of Executive and Law Reform Committees:

Stenographer's Minutes	25 00	
Expenses of Treasurer, Mr. Lewis, to New York and return.....	43 50	
Expenses of Thomas B. Cotter, to New York and return.....	18 00	
Expenses of Cyrus W. Briggs, to New York and return.....	17 04	
Expenses of Eugene Van Voorhis, to New York and return.....	46 50	
Expenses of William T. Moore, to New York and return.....	20 23	
Century Association Dinner.....	173 08	
		<hr/> 343 35

Treasurer's Expenses:

Stamped envelopes	\$6 72	
Premium for Treasurer's bond....	25 00	
Additional section to filing cabinet.	12 50	
Rubber stamps	3 50	
2,000 sheets manifold paper.....	3 50	
Envelopes for Treasurer.....	9 65	
		<hr/> 60 87

Meeting Membership Committee, December 15,
1920:

Expenses of Mr. Lewis, to New York and
return. \$43 25

1921 Annual Meeting:

4,000 envelopes for invitations to
New York County Lawyers' As-
sociation members 16 40
Printing 3,450 postal cards and table
cards 68 50

84 90

Committee on International Arbitration:

Envelopes, telegrams, stenographer's fees, etc. 12 59

\$3,395 54

DUES

October 21, 1920, to January 14, 1921, Inclusive

Number of Members who paid dues for 1919 18
Number of Members who paid dues for 1920 373
Number of Members who paid dues for 1921 83
Number of Members who paid Life Membership 1
Number of Members who failed to pay dues for 1919 45
Number of Members who failed to pay dues for 1920 283
Applicants elected prior to May 1, 1920, who have
never qualified 9
Applicants elected Nov. 12, 1920, who have failed to
qualify 4
Applicants elected Dec. 20, 1920, who have failed to
qualify 8
Applicants elected since December 20, 1920 72

RESUME FOR YEAR

January 15, 1920, to January 15, 1921

Balance from last report, January 15, 1920 . . . \$7,910 23
Amount received during year for
dues, by Mr. Hessberg \$11,925 00
Amount received by Mr. Lewis 2,420 00

14,345 00

Interest on Government Bonds, received by Mr. Hessberg.....	\$214 63	
Interest received by Mr. Lewis....	42 50	
		\$257 13
Interest on Funds in National Savings Bank of Albany, received by Mr. Hessberg	\$8 32	
Received by Mr. Lewis.....	11 25	
		19 57
Total receipts for year.....	\$22,531 93	
Actual disbursements during year, by Mr. Hessberg.....	\$11,336 33	
by Mr. Lewis.....	3,395 54	
		14,731 87
Balance on hand at date of this report....	\$7,800 06	

FUNDS

Amount on deposit with Buffalo Trust Co.....	\$1,750 06
Six United States Government Liberty Loan \$1,000 bonds	6,000 00
One United States Government Liberty Loan Bond	50 00
	\$7,800 06

Total Membership of the Association, as per the records of the Secretary as of even date with this report, is 3,428 which is the largest in the history of the Association.

Mr. Albert Hessberg, for so many years the most efficient Treasurer of this Association, died on the 25th day of July, 1920. His successor desires to take this occasion to congratulate the Association on the many years of faithful and efficient services rendered by Mr. Hessberg, and to express the hope that in the conduct of his office the present Treasurer may conduct the financial affairs of the Association

with as much honor to himself and benefit to the Association; all of which is respectfully submitted.

Dated, Buffalo, N. Y., January 14, 1921.

LORAN L. LEWIS, JR.,
Treasurer.

The foregoing accounts have been audited and found correct.

Dated, Buffalo, N. Y., January 15, 1921.

JOHN ALAN HAMILTON,
A. G. BARTHOLOMEW,
Auditing Committee.

The Chairman:

Gentlemen, you have heard the Treasurer's report, and if there is no objection it will be received and placed on file:

Next in order is the report of Committee on Amendment of Procedure in the Federal Courts.

Frederic W. Hinrichs, of New York, presented the following report:

REPORT OF COMMITTEE ON THE AMENDMENT OF PROCEDURE IN THE FEDERAL COURTS

To the New York State Bar Association:

Your Special Committee on Amendment of Procedure in the Federal Courts, which was appointed pursuant to resolution adopted at the meeting held in January, 1911, and which has been continued at each succeeding meeting, submits the following report:

Your Committee feels, now that the world war is largely a thing of the past, that the Congress will take up questions of vital importance, at all times,—both in times of peace and in times of war.

Judge Thomas W. Shelton of Norfolk has been active since 1912,—on behalf of a Committee of the American Bar Association,—in an effort to bring about what your Special Committee has had in charge, since 1911. His Committee can very well assume a leadership in the process of securing such legislation from the Congress as will

authorize the United States Supreme Court to formulate and promulgate forms and rules, and, generally, to regulate pleadings, procedure and practice as to the Common Law side of the Federal Courts, and of the Courts in the District of Columbia. A kindred course pursued a few years ago, as to Equity Procedure, resulted, it is believed, in immediate and lasting benefits to the administration of justice on the Equity side of such Courts. Such Equity Rules, it will be recalled, went into effect as long ago as February 1st, 1913.

Judge Shelton, with whom the chairman of your committee has been in correspondence, desires the New York State Bar Association, at this time, to bring about the appointment of a kind of advisory or adjunct body or State Committee, made up of a lawyer from each of the forty-three Congressional Districts of our State, to function with like State Committees, already appointed through the action of other Bar Associations,—in Pennsylvania, Illinois, Ohio, Indiana, Virginia, Missouri, California, New Hampshire, Louisiana, North Dakota, Georgia and Arkansas. Such advisory or adjunct Committee will not relieve your Special Committee of any of its obligations, but will simply serve to create a public sentiment in our State in favor of the proposed reform; and, in conjunction with such other State Committees, possibly to aid in ultimately bringing about a real uniformity of procedure in all of the Courts of our land, both Federal and State. In any event, such State Committee can do much to strengthen the public regard for the Courts, and, incidentally, for the members of the Bar,—when this present effort to simplify and cheapen the procedure is understood by the people.

Your Committee approves Judge Shelton's suggestion as to the creation of such State Committee, which might well be called "Committee of Lawyers of the State of New York, to inform the public of the efforts of the American Bar to simplify, in the interest of expedition and economy, the administration of justice."

Judge Shelton further asks that our Association adopt a rather more detailed resolution than that of last year,—urging upon the Congress the importance of passing a bill

giving the kind of authority to the Supreme Court, to which reference has already been made, and as substantially embodied in the bill prepared by the American Bar Association, which has been repeatedly before the Congress.

The Association will recall that a brief resolution to that effect was adopted at the meeting in January, 1920. (Report, N. Y. State B. A., Vol. XLIII, p. 63), and that kindred resolutions had been previously adopted in successive years. There can be no objection, however, to the passage of a more detailed resolution along the lines of a resolution passed by the Bar Association of Illinois,—a copy of which we have and one to which Judge Shelton calls our attention. We must correct, however, the mistake in the Illinois resolution, which gives the credit for initiating the movement to simplify the procedure in the Federal Courts, to the American Bar Association. Such initiation belongs to this Association. (See Report of 1911, of N. Y. State B. A., Vol. XXXIV, p. 469 et seq. and p. 615). It was in the succeeding year (August, 1912) that the American Bar Association moved in the matter. (See Report of 1913 of N. Y. State B. A., Vol. XXXVI, p. 100). The Illinois resolution, furthermore, fails to note the fact that the Bill as to simplifying procedure in Actions at Law was reported favorably by the Judiciary Committee of one house of Congress or the other, upon several occasions,—and that the Judiciary Committee, apparently, of *both* the Senate and the House, reported the bill favorably in 1917. Its passage was probably prevented, because of the mass of proposed war legislation at the time pressing for enactment. (Report of N. Y. State B. A., Vol. XI., p. 411, 1919).

This favorable action on the part of said Judiciary Committee resulted largely, it is believed, from a hearing upon the bill before the Judiciary Committee of the House in 1916, in which hearing President Parker of our Association, President William Howard Taft, on behalf of the American Bar Association, and Senator Root took part. (Report of N. Y. State B. A., Vol. XXXVIII, p. 53, 1915). It is interesting to note that in 1912, when Mr. Taft was President of the United States, he endorsed the principle of the bill. (See message to the Congress of December,

1912; also Report of N. Y. State B. A., Vol XXXVII, p. 54, 1914, where the bill prepared by the American Bar Association, and approved by our Association, is set forth in full).

Your Committee believes that in the Special Session, which the incoming President will, doubtless, call (if not, then in the next regular session the bill in which we are interested will at once be introduced in both Houses of the Congress, and that active steps will be taken to have it favorably reported and passed.

Every possible measure should be taken, in co-operation with the existing kindred Committees representing various other State Bar Associations, to assist the Committee of the American Bar Association, headed by Judge Shelton, in its efforts to bring about the desired consummation of our joint labors.

Your Committee, in accordance with the above report, asks for the adoption of the following resolutions, the first of which is, to a certain extent, patterned upon the resolution of the Illinois Bar Association, above referred to:

“WHEREAS, in the year 1912, in response to an ever increasing public demand, The American Bar Association,—following the example of the New York State Bar Association,—began, and ever since has made, an earnest, persistent and organized effort to bring about a more certain, and more steady, and less expensive and less technical, administration of justice in America, and, to that end, to modernize and make uniform the procedure of the Courts; and

“WHEREAS, for over eight years there has been pending in Congress substantially the same bill, known in the Senate in the session of 1919-1920 as Senate No. 1214, and in the House as H. R. No. 133,—the purpose of which bill was to vest in the United States Supreme Court the power to formulate, and put into effect, a complete system of rules for the detailed regulation of the procedure in actions at law in the Federal District Courts, and the Courts of the District of Columbia; and

“WHEREAS, such a system if introduced into the Federal Courts, may prove to be a model that will, in time, be followed by the Several States, and thus bring about uniformity of procedure throughout the land; and

WHEREAS, to-day, there exists throughout the United States an earnest desire of Bench, Bar and laymen for immediate action in this matter, as is notably evidenced by resolutions of many Bar Associations, repeatedly passed in recent years; and

WHEREAS, the New York State Bar Association has been continuously in entire sympathy with said movement since 1911, and, especially since 1912, with the American Bar Association's program, which took shape in that year; and it is desirable that a new expression should be given to such sympathy;

THEREFORE, *be it resolved:*

That the New York State Bar Association again expresses its approval of, and sympathy with, the program of the American Bar Association; and

That it urges the re-introduction, into both the Senate and the House, of the Bill approved by the American Bar Association (or one of like tenor), at the Special Session of the Congress, if such Session is called,—and, if not so called,—then at the next regular session of the Congress,—and that the proper steps be taken to induce the Committees to which such bill will be referred, to grant early hearings, and to report said bill favorably,—and that thereafter everything be done by the Committee of this Association, acting in co-operation with the like Committee of the American Bar Association and other kindred committees of the several State Bar Associations, to bring about the early passage of such bill and its submission to the President for approval.

And it is further resolved that the President of this Association appoint a Special State Committee to be advisory and an adjunct to your Special Committee,—made up of a lawyer from each of the forty-three Congressional Districts of our State,—the function of which

State Committee shall be to act throughout the State, as it may be advised, in creating a public sentiment in favor of the proposed reform, and ultimately, in co-operation with other kindred State Committees, to aid, if possible, in bringing about a general uniformity of procedure in all of the Courts of our land, and, in any event, to strengthen the public regard for the Courts,—and, incidentally, for the members of the Bar, as their effort to simplify and cheapen the procedure in our Courts becomes known.

And it is finally resolved, that your Special Committee be continued for another year, with power to do what is needful to bring about the contemplated change, as above outlined, in the procedure in Actions at Law, in the Federal District Courts, and in the Courts of the District of Columbia."

All of which is respectfully submitted.

NEW YORK, January 20, 1921.

ARTHUR H. MASTEN,
EVERETT P. WHEELER,
FREDERIC W. HINRICHS,
LEWIS L. DELAFIELD,
HENRY L. STIMSON.

The report was received, filed, and the resolutions duly adopted.

The Chairman:

Members of the Association, I desire to introduce Honorable George Sutherland, former United States Senator from Utah.

Senator Sutherland:

Gentlemen, it is a very great pleasure to greet you all.

The Chairman:

Next in order is the report of the Committee on Arbitration.

Daniel S. Remsen of New York:

The report of the Committee on Arbitration is as follows:

REPORT OF THE COMMITTEE ON ARBITRATION

(Formerly Committee on Prevention of Unnecessary
Litigation)

To the New York State Bar Association:

In accordance with the instructions of your Association your Committee, acting with the Chamber of Commerce of the State of New York and other commercial bodies, presented to the legislature and urged the passage of an act relating to arbitration, which act was duly passed April 19th and became Chapter 275 of the Laws of 1920. Under this act a provision in a written contract to settle by arbitration future controversies between the parties was rendered legal and machinery provided for its enforcement.

Since that act took effect there has been some litigation as to its application to contracts made prior to its enactment, and it has been held by the Appellate Division in matter of Berkovitz, 193 App. Div., 423, that the act had no retroactive effect and, consequently, had no application to agreements to arbitrate made prior to its enactment. This case, however, the Committee is informed, is now on appeal to the Court of Appeals.

Owing to the passage of the Civil Practice Act it will become necessary to make certain changes in the act relating to arbitration, but the Committee deems it unnecessary to report any separate bill for that purpose, as the matter is receiving the attention of the Legislative Committees and Bill Drafting Commissioners.

Respectfully submitted,

DANIEL S. REMSEN, *Chairman*;

JOHN BROOKS LEAVITT,

WILLIS E. HEATON,

WARNICK J. KERNAN.

Daniel S. Remsen, of New York:

I would like to add a word. As this law now permits arbitration of commercial matters, and as many commercial organizations are utilizing it, and as we have a Committee for the purpose of utilizing it, within the bar, it occurs to me that something should be done that controversies, particularly those involving points of law, shall be brought before arbitrators who are lawyers, rather than before arbitrators who are commercial men; and I would like, if I should be continued on this Committee for another year, to receive suggestions from members of the bar looking to the utilization of this law by the bar—of course, for the benefit of the public rather than of the bar, but I think both interests lie together, in that it will reduce litigation and will expedite the settlement of controversies.

The report of the Committee was received and placed on file, and the Committee was continued.

The Chairman:

Next in order is the report of the Committee on Uniform State Laws.

Charles Thaddeus Terry, of New York:

I have only a few words to say in reporting progress on behalf of this Committee. As has been the case for many years, it takes not a little time to get full information in regard to uniform laws before the proper committees of State Legislatures, but I would say that after that process has gone on for a reasonable time, the Legislatures adopt them and then they become laws. A year ago this Association authorized the Committee to press for enactment before the Legislature, the Uniform Limited Partnership Act, the Uniform Fraudulent Conveyance Act and the Uniform Act for the Extradition of Persons of Unsound Mind. Your Committee took up those matters preliminarily with some of the leaders in the Legislature and explained any point as to which there were any questions propounded, and then the bills were introduced in the Legislature. The Bill for the Extradition of Persons of Unsound Mind passed both houses of the Legislature, and went to the Governor and, through an inadvertence or a misunderstanding with reference to its scope, that bill was left without the approval of the Governor.

Now, your Committee suggests, if it be in accordance with the sentiment of the Association, that it be continued for another year, and that the instructions given to the Committee one year ago be renewed, namely, that the Committee ask the Legislature at its present session to enact these three measures. That, Mr. Chairman, is the motion that I make.

The report was received and placed on file. The Committee was continued and the motion made by Mr. Terry was carried.

REPORT OF THE COMMITTEE ON UNIFORM STATE LAWS

To the President and Members of the New York State Bar Association:

Your Committee on Uniform State Laws begs to report its activities during the year last passed, as follows:

After conferences between Senator Knight and Mr. Terry of your Committee, Senator Knight introduced in the 1920 Legislature three of the Uniform State Laws recommended by the National Conference of Commissioners on Uniform State Laws, for enactment, to wit: The Uniform Fraudulent Conveyance Act, the Uniform Act for the Extradition of Persons of Unsound Mind and the Uniform Limited Partnership Act. Various information and data was furnished to Senator Knight from time to time, in support of the passage of the acts by the Legislature, and it was hoped that these acts might progress rapidly enough so that they might be passed on before the close of the session, but the Act for the Extradition of Persons of Unsound Mind was the only one to reach the Governor, and in the rush of the closing hours of the thirty-day period, he did not favorably consider the measure.

Your Committee intends again to press these measures for passage at the present session of the Legislature.

Respectfully submitted,

COMMITTEE ON UNIFORM STATE LAWS,

By CHARLES THADDEUS TERRY.

Dated, New York, January 11th, 1921.

The Chairman:

Next in order is the report of the Committee on Grievances, of which Mr. Jessup is Chairman.

Henry W. Jessup, of New York:

Mr. Chairman, and Gentlemen of the Association: I desire to present the following report:

REPORT OF COMMITTEE ON GRIEVANCES

To the New York State Bar Association:

Your Committee on Grievances respectfully submits the following report:

Following the procedure of former years, it seems inadvisable to give any specific details with regard to complaints received by the Chairman, submitted to a sub-committee for examination, upon which the sub-committees have made a report that no action be taken. A number of such complaints were received during the year, and comment is required only in regard to the following:

In the case of one complaint against a member of the Committee, the Chairman was particularly careful to appoint at once an impartial sub-committee, and to insist that the complainant, a resident in another state, should be represented by a New York attorney before the sub-committee. The facts were gone into with great thoroughness, with the result that the attorney for the complainant himself declined to endorse or forward the charges, and the New York attorney complained of was in all respects vindicated.

Early in the year a complaint was received against a title company, to the effect that because two ladies had lost their copy of an extension agreement of a mortgage carried by the said company, they were compelled to have it again extended, upon an increased rate of interest to 6 per cent, together with a charge of \$20 by the title company for redrawing the extension. The complaint alleged that this was not a mistake, but an intentional and repeated act on the part of title companies, of which the complainant had knowledge. This, in the judgment of the Committee, was

something that fell within the purview of the jurisdiction of the Committee on the Unlawful Practice of the Law of the New York County Lawyers' Association, to whom the complainant was accordingly referred.

A complaint was received against a firm of attorneys in the Second Department, to the effect that the attorneys had disobeyed instructions given by the client in a foreclosure proceeding with respect to bidding at the sale, with the result that he had suffered serious loss. But when it developed that the complaint had already been acted upon by the Westchester County Bar Association, even though it was alleged that the Grievance Committee had taken four years to dispose of the matter, the Chairman consulted with the officers of that Association, and found that there had been complete and thorough hearings, and a decision that the claim was not sustained.

Another complaint was not in the judgment of this Committee, properly disposed of by the local association to which it was referred. A, the wife of B, deposited with the attorney C, certain moneys for investment in mortgages. A and B separated while the money was still in the hands of C, and when one of the mortgages came due, the attorney communicated the fact that it had been paid, and that the money was in his hands to A, his original client, and she, from another state, wrote and demanded that he send the money to her.

Later, after repeated promises to pay had not been performed, he notified her that the husband, B, had called upon him and claimed that the money was the proceeds of his earnings and that it belonged to him. It was apparent on the face of the matter that C had communicated the fact that he was now in possession of this money to B. This was the *gravamen* of the complaint.

This matter was referred to the local bar association, where C resided. They entirely overlooked the question of the disclosure to the husband, and held that the lawyer

was justified in retaining the money until he could pay it into court in an action in which the husband could be interpleaded. In the judgment of this Committee this did not dispose of the complaint. A has since, however, retained an attorney who is bringing suit for the recovery of the money.

A number of complaints were received by the Chairman during the year from inmates of the Matteawan State Hospital for the Insane.

The Cases of X, Y and Z:

X complained to Honorable Charles E. Hughes, who forwarded the complaint to this Committee.

By independent examination it developed that X was committed to the hospital pending his trial on a capital charge. As soon as the Chairman was in communication with X, Y and Z filed similar complaints directly with him, accompanied by voluminous written matter. Their complaints were of the same character, and disclosed a situation which this Committee considers must be dealt with by this Association, or by law.

It appears that in the proper exercise of their rights inmates of this institution from time to time desire to and actually do sue out writs of habeas corpus. The presumptive purpose of such a writ, under such circumstances, is to have an inquiry into whether the person detained is still insane, or has sufficiently recovered under the beneficent and benignant treatment adopted by the State of New York to be released from its custody, in which event, of course, he would have to return and stand trial upon the charge in respect to his defense of "Guilty but insane," which by an *ex parte* inquiry resulting in an adjudication that he was insane has interrupted the trial. But if the complainants are to be believed, this is not the primary object of procuring these writs. They complain that while in the hospital they are denied confidential interviews with counsel and that their object in suing out writs is to be produced before a court where their immediate request is to be remitted to

the custody of the local sheriff, where, for the first time, they get an opportunity of free and confidential communication with attorneys. And it seems that while Special Term judges have criticised the rule which is actually in operation in Matteawan, that an attendant of the hospital must always be present at interviews with lawyers from the outside, the Appellate Division in the Thaw case held that this rule was one over which the Supreme Court had no jurisdiction as to its reasonableness or enforcement, which in the judgment of your Committee, has more or less justified the abnormal number of writs which are sued out during a given year by inmates of that institution. There is even gossip current that a member of the Bar, intentionally or otherwise on his part, was committed to that institution, and shortly after released, and that on the day following he sued out eighty-one writs for various inmates of the institution.

Your Chairman has been in consultation with the State Hospital Commission, has discussed this feature of the case with them. He has also discussed it with the head of Matteawan, Dr. F. C. Kieb, who has invited the Chairman to investigate the institution, and inspect its workings (an invitation which the Chairman has not yet seen his way to accept), and has assured him that the interviews with the attorneys are practically confidential, except for the presence of the attendant, and that, if necessary, facts could be disclosed showing that members of the Bar going to see these inmates have acted as the messengers to carry forbidden articles, either chemically or mechanically lethal, to the inmate there confined, under guise of a professional interview. If so, the names of such attorneys, detected in such acts, ought to be communicated to the New York Bar Association, and dealt with in the most uncompromising manner. But these complaints disclosed another fact with which this Committee is seriously concerned, and that is that although an attorney visiting one who has been adjudged insane, and committed to the State Hospital for the detention of the criminal insane, nevertheless, undertakes to contract with these presumptive incompetents for the amount of their compensation for suing out a writ. And then, whether the writ be successful or not, hold the

lunatic to his bargain, and pester his committee, with whom they have entered into no agreement, or the authority in the hospital having custody of the funds of which he may be entitled to the use, or insist upon payment in advance, and then let the application for a writ drag on indefinitely until brought up by repeated complaints of the client, and, as the Chairman took pains to ascertain by inquiries extending even to the courts where these writs are returnable, when the writ is returned and the incompetent produced before the court, they take a neutral position, leaving the matter in the hands of the court, decline to accept or consider the instructions of their clients; they make no cross-examination of the state medical authorities whose testimony is usually adverse to the application. So that the client in each of these cases has complained that the services rendered were perfunctory and that the lawyer ought to either return the fee or at any rate the papers, for the custody of which these complainants seem to be peculiarly anxious. It may be premised that this Association, through this Committee, has no jurisdiction over persons not members of the Association, which, in passing, accounts for the reference of so many complaints to local bar associations, but, in the case of X, the attorney complained of waived this consideration and appeared with counsel before the sub-committee in New York, and went very fully into the facts, and his contention was that the only way in which the application on the writ could have been furthered more than he furthered it, was by securing medical expert testimony in support of the application, and that he had no money available to pay expert fees, and that he was unable even to secure the attendance of his own family physician whom he thought he could have secured for a moderate fee,—because of his misunderstanding with his client as to the amount available for that purpose.

In this very case the incompetent had a trustee, or committee, who was in possession of funds and upon whom the incompetent gave orders to the attorney, which the committee declined to honor. In the judgment of the Committee there are three elements to consider: first and foremost, the essential dignity of the profession; second, the fact that an incompetent cannot contract, and, third, the

fact that, having been adjudged on a presumptively impartial inquiry to be incompetent, there may be a committee of his estate, or members of his family in existence with whom the attorney can enter into contract relations.

But it frequently may be the case that neither the committee nor the family want to have the incompetent discharged from custody, and particularly may this be true where, if he was so discharged, he would have to stand trial for a capital offense. In such case, and assuming the best case possible for a lawyer, that of an incompetent who is convinced that he has recovered his sanity, and as to whose sanity there is sufficient proof available to warrant a new inquiry by the court, we believe that it is the duty of the lawyer, if he is called in and is willing to act for the incompetent to do so, with the understanding, or upon the express condition, if necessary, to be set forth by the legislature, that the amount of his compensation shall be determined by the court, which shall also determine the manner in which it shall be paid; in that, in cases of successive writs sued out for the same client and equally unsuccessful, the control of the matter of the compensation by the court ought to be a sufficient safeguard to the interests of the client.

There is provision upon the original commitment of a lunatic in the Insanity Law for determination by the court as to the expenses of the inquiry into his sanity, and some of these expenses are made a county charge. There would be serious opposition to any measure proposed that would make it a county charge to satisfy the counsel fees of attorneys suing out successive writs for the same lunatic month after month, and year after year. It was proposed that there should be a reasonable period or interval required to elapse between successive applications for a writ, followed by an actual inquiry into the then sanity of the then applicant. Some members of the Committee, however, believe that this would be unconstitutional, and that at any time the lunatic, who is still a citizen, if conscious or claiming to be once more sane, must have his right to this writ, but it would not be unconstitutional to provide that the attorney should not be entitled to any compensation for writs sued out oftener than

once in six months for the same client, unless the particular writ for which he asked compensation was successful and his client in fact released from custody. even though the only results be, that he be transferred to the custody of the sheriff of the county in which the indictment is pending against him, but the matter of curing this situation by statute, either providing for the regulation of attorneys' fees in cases of this sort, or regulating the number of successive writs to which a person shall be entitled in a given time, is not within the purview of this Committee's duty, but if the Association shall so order, it can properly be taken up by the Executive Committee, or the Committee on Law Reform.

In all the cases where the Chairman communicated with the judges before whom these writs had been sued out by the lawyers complained of, he was assured by the various courts that the hearing had been, so far as the court was concerned, thorough, and that while they were willing in certain cases to dismiss the writ without prejudice, yet in all cases they had become satisfied that the patients were still at the time of the hearing of unsound mind.

Other complaints from inmates of this hospital, relating to the retention of valuable documents or books by their several attorneys were easily satisfied by suggesting to the attorneys that the books be promptly returned, which was in fact done.

In the case of another inmate of the hospital a different situation presented itself. His complaint was that he had been "railroaded" into the hospital; that he was absolutely without means, and his wife, who had been refused assistance by the Legal Aid Society, as well as by the Voluntary Defenders' Committee, on the ground that he had been committed from a county outside the City of New York, resulted in the hospital authorities co-operating in having a writ, which was made returnable in New York City, it appearing that the applicant had been a resident of New York, temporarily absent at the time he was committed.

The Chairman persuaded the Voluntary Defenders' Committee to send its representative to represent him on the hearing. But the applicant was determined, not so much

to secure his liberty upon demonstration of his sanity, as to utilize this as the only occasion upon which he could completely "show up" the mal-administration of the hospital,—which became the primary object of his efforts. Of course the representative of the Voluntary Defenders' Committee was not interested in this phase under the circumstances, and as the applicant declined to follow any professional advice, or to put the charge of the hearing into his hands, he very naturally withdrew. The Chairman became satisfied from conversations with representatives of the Matteawan State Hospital and of the State Hospital Commission, that they are conducting the management of these institutions upon broad humane lines. It is natural and proper that they should deal with the matters that come before them from their professional and expert standpoint, but I am satisfied that they do not in any way seek to interfere with the assertion of legal rights by persons committed to their charge, except in respect of the rule above specified, which, in the judgment of the Committee, is an unreasonable rule, as it has been similarly held to be unreasonable by Special Term Judges. In view of the power of the Supreme Court over all institutions of the State, we venture to suggest that the decision in the Thaw case was one which ought to be re-examined or its operation obviated by statute.

Referring once more to the conferences with the State Hospital Commission, we have, by courtesy of their conference of authorities, been furnished with a copy of the proposed amendment of the Insanity Law, which is annexed hereto, relating to the matters of writs of *habeas corpus*, with respect to which there is a recommendation below.

PROPOSED AMENDMENT TO SECTION 93 OF THE INSANITY LAW,
PAGE 92 OF THE HANDBOOK OF THE STATE
HOSPITAL COMMISSION

The petition in such second or subsequent application shall state what other writs have been granted and the determination made thereon, and shall have annexed to it a copy of the determination, or a proper reference thereto, and said order or determination shall be conclusive evidence of the facts stated therein unless such order shall otherwise specify.

All writs of *habeas corpus* hereunder must be made returnable before a Judge of the Supreme Court or a County Judge of the County in which the incompetent person is held. If at the time there is no such official in the County capable of acting, the writ shall be made returnable before the nearest accessible Supreme Court Judge or County Judge in an adjoining county.

In respect to this proposed amendment we are of opinion that it is in the main to be approved; but that where the incompetent person's residence is not in the county where the Institution is located, the writ should be returnable in the county of his residence.

The last matter involving our activity and the purport of such part of our report relates to a complaint which came to us through a local association, and involved the general question of the propriety of the conduct of a candidate for judicial office.

The answer to the charge is of such a character, indicating that the representations made related to public service, and the qualifications of the candidate, that, while the report had been agreed upon by those of the Committee to whom it had been submitted, nevertheless, it is conceivable that the Committee has erred in its judgment as to the propriety or impropriety of the conduct complained of, and since, if it has erred, the injury that might be wrought might be incapable of adequate rectification, we shall ask leave of the Association to refer the whole matter, including so much of our report as dealt with this matter, and containing the statement in explanation or defense of the conduct, to the Executive Committee, with power, such power to include its examination of the case *de novo*, and its appropriate action thereon, including, if the action of this Committee be not sustained, the exclusion of the report from the proceedings of the Association as published in the Year Book.

RECOMMENDATIONS

1. We recommend that the proposed bill drawn by the State Hospital Commission conferees be referred to the

Committee on Law Reform for examination and expeditious action.

2. We recommend that the complaint relating to the anonymous Judge P., be referred to the Executive Committee for its immediate action.

Respectfully submitted,

HENRY W. JESSUP,
For the Committee on Grievances.

Henry W. Jessup, of New York:

I ask that the matter last referred to be referred by the Association, without report or discussion, directly to the Executive Committee of the Association.

The Chairman:

If there is no objection that course will be pursued. The Chair hearing no objection, it is so ordered.

Mr. Jessup:

We also urge that this bill referring to the State Hospital, be referred to the Committee on Law Reform.

The Chairman:

If there is no objection, that is so ordered.

The Chairman:

Next in order is the report of the Committee on Legal Ethics.

Henry W. Jessup, of New York:

I am also authorized to present that report. The report of the Committee is as follows:

REPORT OF COMMITTEE ON LEGAL ETHICS

To the New York State Bar Association:

Your Committee on Legal Ethics respectfully reports:

The Committee has held no meeting during the past year, except as several members participated in the inquiry by the Grievance Committee into the practice of attorneys in assum-

ing to contract with persons committed to State Hospitals for the Insane in respect to their services in suing out *habeas corpus* writs for such inmates.

Your Chairman, by courtesy of the Chairman of the Grievance Committee, having seen its report in advance, expresses concurrence with the position taken by the sister committee. We condemn as unethical the practice of attorneys in assuming to contract with persons adjudged to be of unsound mind and attempting thereafter to enforce such agreements.

We have followed with interest the activities of the Committee of the N. Y. County Lawyers Association. We comment only upon one of their Questions and Answers, i. e., No. 183. They are as follows:

Question 183

A defendant covered by insurance injures an infant plaintiff through the negligent operation of his automobile. The insurance company adjusters immediately make overtures to the infant's parents for settlement, and an amount is agreed upon satisfactory to the parents and the company. Thereupon, the insurance company procures an attorney, not connected with its legal staff, but on friendly terms with it, to prepare a petition and order appointing one of the infant's parents guardian *ad litem* for the proposed infant plaintiff. This, the outside attorney takes or sends to the parents of the injured infant for execution. The petition is presented and upon motion of the outside lawyer as attorney for the petitioner, an order appointing the parent guardian *ad litem* is entered. Next, by arrangement, the attorney for the guardian *ad litem* delivers a summons to the regular attorney for the insurance company, who defends the action on behalf of the assured, and this attorney gives a notice of appearance in the action. As soon as the summons and notice of appearance are filed in court and the action is at issue, the outside attorney for the guardian *ad litem* prepares a petition for leave to compromise the action for the amount of the agreed settlement. An order granting leave to the guardian *ad litem* is then entered authorizing the guardian *ad litem* to receive the amount of the settlement upon his executing

a bond in the required sum. The fee for this bond is paid by the insurance company. After the money is paid over, and a general release taken from the guardian *ad litem* the action is discontinued.

In the opinion of your Committee, is such conduct on the part of the outside attorney, whose fee is paid by the insurance company, proper?

Answer: It does not affirmatively appear by the Question that the "outside attorney" makes full disclosure to the Court of his connection with the insurance company. Assuming that there is no such disclosure, the Committee is of opinion that the conduct on the part of the "outside attorney" is highly improper and unprofessional, because in appearing as attorney of record for the plaintiff he represents to the Court that he owes an undivided duty to the infant, whereas in fact he is employed, and is to be paid, by a company whose interest is adverse to that of the infant. (See Matter of Reifschneider, 60 App. Div., 478, Second Department.)

And even if the "outside attorney" does make full disclosure to the Court, still in the opinion of the Committee the practice is not to be commended. The interests of the infant should be represented by independent counsel not biased by such method of employment, whose representation of the infant before the Court should be based upon his independent and unbiased judgment. (See Questions and Answers Nos. 25 and 171.)

Information has come to the Chairman that the second part of the Answer to Question 183 has been criticised on the ground that it criticises a practice actually operative and covered by appropriate rules in many parts of the State.

See rules of Surrogates' Courts in the following counties:

Bronx XXI, Cattaraugus XIX, Cayuga XII, Clinton VII, Kings XXVI, Nassau XIV, New York XXII, Steuben XVII, Suffolk XII, Westchester XIX.

The principle of these rules it is claimed is also applied in the Supreme Court.

The basis of the criticism made is that when full disclosure is thus made and settlement approved by the court, the fund paid in settlement enures to the benefit of the infant without

the deduction of unconscionable contingent fee percentages, which would generally have to be paid if the claim were not so adjusted and the cause of action was prosecuted by the average ambulance chaser, or even by reputable lawyers on contingent retainer.

If this be true, then paragraph 2 of this answer lays down a harsh rule.

Where the rules of the Court having jurisdiction require full disclosure of the attorney's connection with the party at whose instance the compromise is proposed and by whom he is to be paid without deduction from the infant's fund, the interests of the infant will presumably be adequately protected by the Court itself in its control of the guardian *ad litem*.

This answer may bear reconsideration.

We are informed that the Committee on Professional Ethics of the County Lawyers Association proposes to modify its answer by declaring that where there is a local practice defined in a rule to protect the interests of the infant, and providing for inquiry by the court, that a lawyer is not to be condemned for following such practice and complying with such rule.

But in view of the fact that at this session of this Association we take up the discussion of the new general rules, and of the simplified practice, we recommend that as a general rule, to be applicable in all courts to settlements of claims asserted in behalf of infants or incompetents which are submitted to a court for scrutiny and approval, the following be adopted and recommended by this Association:

"In all cases where claims in behalf of infants or incompetents are met by an offer of settlement by the defendant, subject to the approval of the court having jurisdiction, such court shall safeguard the right of such infant or incompetent as against the defendant, or, in the case of infants in relation to a claim concurrently asserted by the parent for loss of the infant's services, as follows:

"The attorney moving approval of the settlement shall be required to fully disclose his relation to the defendant, and whether or not he has become concerned in the application or its subject matter at the instance of such defendant, and whether or not he has received

or is to receive his compensation in the premises from such defendant, and the amount thereof, if any; also whether or not he had any part in negotiating such settlement, and thereupon full examination shall be had by the court or by its referee, or by a special guardian thereto appointed, into the facts essential to disclose the reasonableness and propriety of such settlement."

Three important matters must be noted as having developed during 1920 affecting the development of ethical standards:

a. The report to the American Bar Association of its Committee on Professional Ethics and Grievances.

b. The report of the Special Committee of the Conference of Bar Association Delegates on what constitutes the Practice of the Law.

c. The Conference of the New York County Lawyers' Association's two committees on Ethics and on Unlawful Practice of the Law.

A.

The American Bar Association at its meeting in 1919 authorized its Committee on Professional Ethics and Grievances to issue a questionnaire to the judiciary in the United States for the purpose of getting more adequate information as to the ethical standards of the profession.

It appears that 3,500 judges were approached. The report covers fifty pages. We quote but one or two of its outstanding features suggested by the judges sending replies:

1. The suggestion that the bar be incorporated, that the Canons be written into the Constitution of the corporation, and that such corporation have statutory power to interpret, apply and enforce such canons.

2. The disposition of some courts to consider a willingness to make restitution on the part of a lawyer under discipline adequate justification for the dismissal of the charges.

In refreshing contrast to this is the attitude of our own Supreme Court, that a settlement does not condone a conversion, *Matter of MacWilliam*, 193 App. Div., 449, nor does restitution reinstate character. *Matter of Steinberg*, 193 App. Div., 502.

One Kansas judge had answered the sixth query in the Questionnaire relating to cases of discipline to the effect that

“Accused promised to leave State if Board of Examiners would not disbar. However, it has been learned that he has merely removed to Wichita, and is practicing there.”

3. That ignorance of ethical standards is still widespread, and that it is up to local associations to keep up a propaganda of active education.

B.

At the Conference of Bar Association Delegates at St. Louis last summer the question uppermost was the formulation of a careful brief of what constitutes practice of the law and what constitutes unlawful and improper practice of the law by laymen or lay agencies.

The report is an able one—but attempts “an all inclusive and all exclusive” definition—a very difficult task. The difficulty of attaining such a result lies in its relation to penal statutes which have to be strictly construed and are inelastic. As our social relations develop and change new activities are called for by the impact of new statutes on the life of the individual. Are his relationships, duties or rights under such new laws the proper subject for interpretation by laymen making the same the subject of special study? Can the trust company or income tax “specialist” do by reason of a federal tax law what they could not do before its enactment?

The trust company invasion of the lawyers’ fields of lawful and licensed activity has not been stopped. It is interrupted in particular cases by indictment or judgment in respect to some particular practice.

But with ample capital, and complete equipment of trained employees, lawyers and accountants both, its adver-

tising campaign is addressed to getting into relation with the property-holding individual.

Secured as a depositor he is afforded free advice in the various matters that concern his property.

He is guided in his investments either in securities underwritten by the Company, or by the men who control it, or in securities that have the contrasting advantages of being either tax exempt or yielding high return. His income tax report, with its maddening detail of cross interrogatories, is taken off his hands, and his conscience relieved of the doubts he might entertain had he himself prepared the return and sworn to the resulting net amount of taxable income. Unconsciously he drifts into the relation of general client to this generous adviser. He is easily and inevitably shunted along to the stage where the attorneys employed by the trust company, owing it their primary allegiance, paid by it, are sure to find the depositor in their office asking for their counsel. The recommendation of Mr. So-and-So, an officer of the trust company, is enough for the client.

Query: Is it consistent with the essential dignity of the profession for these attorneys to use their relationship to the trust company as a cloak for procuring business?

Is the trust company furnishing lawyers to its clients and if so, is it on any higher plane than the collection agency?

Or again, is the charge made to their client by the average firm of lawyers who are counsel to a trust company in any way or degree affected by the amount of return to them on business so steered into their office by their corporate client?

Or to glance at another angle of the subject commented on by the American Bar Association's Committee,—is it ethical for a lawyer to receive with hospitality such invitations from financial concerns or trust companies as

“Get your clients to make their investments through us, and receive a commission on the business,” or

"Get your client to name us as executor or trustee and we will employ you as attorney when the deed is delivered, or the will probated."

Verily, the trust company is not yet in its last ditch.

Its advertising capacity is unlimited. The profession cannot answer these representations with similar publicity.

So the definition of "practice" is highly important. The Conference Report contains five sets of definitions.

I. That of the Committee of which Mr. W. H. H. Piatt is chairman. It reads as follows:

"The practice of the law, as at present and generally understood, is the pursuing as a vocation the learned profession of the law. In other words, the exercise for compensation by a licensed attorney of his learning, skill and reputation, or any of the same in behalf of another, and anyone not so licensed may not do for compensation, or a consideration directly or indirectly (follow as a vocation) anything which a licensed attorney may as such charge compensation for doing."

II. Numerous definitions by courts in particular cases, printed at pages 12 *et seq.* of their report—which the Committee shrewdly observes, "necessarily define practice of the law as to the issues presented by the particular case."

III. Definitions by the Attorney General of New York, which were given under the penal statutes of this state. (Pp. 31 to 39 of the report.)

IV. Statutory definitions in some of the States, Massachusetts, Missouri, Montana, New York and Oregon.

V. The definition contributed by the Special Committee of the New York County Lawyers' Association.

This appears at page 52, and so far as it embodies definition distinct from discussion is as follows:

"In the conduct of modern business, lawyers are frequently called upon to exercise functions which do not strictly come under the description of legal services.

Everything done by a lawyer is not necessarily the practice of law. On the other hand, the term "practice of the law" has come to have a more or less well defined meaning, as designating not only those functions peculiar to lawyers, the performance of which by a layman is generally regarded as against public policy, but it includes all the work of the modern advocate, such as appearances before public service and interstate commerce commissions, boards of arbitration and other modern tribunals—in short, wherever the lawyer's services as advocate are utilized, he is *practicing law*. But besides serving as advocate, the lawyer serves as adviser and counselor. In this country he occupies both the office occupied by the English solicitor and by the English barrister. Accordingly, "practice of the law" by lawyers in this country includes, besides the work of the advocate, the giving of advice as a lawyer, covering statutes, documents, corporate or private organizations—indeed, concerning the duties and obligations under the law of every conceivable form of human relationship, as well as the fixing of such duties and relationships in legal form, by contracts, charters, deeds, wills, articles of incorporation, co-partnership, statutes, etc., etc., and the representation, as a lawyer of clients and the protection of their interests. Thus broadly stated, practicing law includes everything done in modern times by the professional legal advocate and adviser in his professional capacity. It includes, of course, conveyance, and in so far as knowledge of the law is applied to accounting, the preparation of income tax returns, forms of bookkeeping, financial statements, etc., etc."

C

The Conference of the Committees on Professional Ethics and Unlawful Practice of the Law of the N. Y. Co. Lawyers Association.

This related to the propriety of the acceptance of retainers or employment by lawyers to represent groups—or associations, having a central or common interest to protect, such as trade associations, or, in another relation, collection agencies.

The result can best be communicated to you in the language of the final action taken by the Ethics Committee on the coming in of the joint conference report.

Should it be handed down before the Secretary shall print the annual report of this Association, we ask to have it inserted as a part of this report.*

At present it is proper only to forecast the deliverance of the Committee. The conference had its origin in criticism of the Answer to Question 172, dealing with the relationship of attorneys and trade associations.

It is expected that the deliverance will differentiate between lawful trade associations organized for the protection of common or mutual group interests and collection agencies, even if regulated by law which are organized for their own profit, soliciting business for their own ends.

It is also probable that it will uphold the propriety of a lawyer's accepting employment from any group of persons organized to promote or protect interests common to, or affecting the welfare of all members of the group. Presumably this rule would cover test cases involving rights common to persons belonging to the same class, even though the particular case involve an individual member alone.

Naturally it would not be expected to cover associations prohibited by law.

We ask leave to add this deliverance to our report when printed.

RECOMMENDATIONS

I. We recommend that the general rule above suggested be put upon the docket for discussion, with the other general rules by this Association, to wit:

"In all cases where claims in behalf of infants or incompetents are met by an offer of settlement by the defendant, subject to the approval of the court having jurisdiction, such court shall safeguard the right of such infant or incompetent as against the defendant, or, in

*See announcement of Committee on Professional Ethics of the New York County Lawyers' Association at the end of this report.

the case of infants in relation to a claim concurrently asserted by the parent for loss of the infant's services, as follows:

"The attorney moving approval of the settlement shall be required to fully disclose his relation to the defendant, and whether or not he has become concerned in the application or its subject matter at the instance of such defendant, and whether or not he has received or is to receive his compensation in the premises from such defendant, and the amount thereof, if any; also whether or not he had any part in negotiating such settlement, and thereupon full examination shall be had by the court or by its referee, or by a special guardian thereto appointed, into the facts essential to disclose the reasonableness and propriety of such settlement."

II. We recommend the continuance of this Special Committee.

Respectfully submitted,

HENRY W. JESSUP,

For the Committee.

NEW YORK COUNTY LAWYERS' ASSOCIATION

COMMITTEE ON PROFESSIONAL ETHICS

ANNOUNCEMENT TO COMMITTEE ON UNLAWFUL PRACTICE OF THE LAW AND TO THE BOARD OF DIRECTORS

This Committee appointed a sub-committee to co-operate with a similar sub-committee of the Committee on Unlawful Practice of the Law to consider the relations of Lawyers and lawful Trade Organizations.

The joint sub-committees held a series of hearings and conferences with those especially interested in the subject. The two committees then held joint conferences. After prolonged consideration of the subject and of the cognate subject of the relations of lawyers and collection agencies, this Committee has reached its conclusions as follows:

The Committee is of the opinion that it should confine itself to the consideration of the propriety of the conduct of the

lawyer or of the relation of the lawyer to the organization and the relation of the organization to the lawyer. The Committee does not assume to construe existing statute law.

In its opinion (independent of any prohibition imposed by statute) there is no inherent impropriety, professional or otherwise, in the establishment and maintenance of the following relations between a lawyer and a trade organization existing for the benefit of its members:

(1) A lawyer may without professional impropriety, accept employment and compensation from such Association, acting as agent for a member, to render professional services in behalf of such member (for example, in making collections or in connection with insolvencies or bankruptcies), though the Association has urged its members to refer to it matters involving their common interests, for representation or for such service, provided, however, that the lawyer be careful to avoid assuming inconsistent professional obligations. He should regard and treat the member as his client; and he should not compensate the Association nor divide his compensation with it. The Committee assumes that the solicitation of such claims by the Association is for the common advantage of its members and not for the purpose of obtaining employment for the lawyer; if the latter were its purpose the Committee would regard such solicitation as improper; in short, where the employment is an incident of the advantage to the members, the fact that the claims are solicited for the latter purpose, should not preclude the lawyer from accepting the employment, while, if the end in view is the solicitation of employment for the lawyer, he should not permit such solicitation in his behalf, nor accept the employment so solicited.

(2) A lawyer may without professional impropriety accept employment and compensation from such Association in its own behalf, to perform for it professional services in the promotion of its interests and the common interests of members; and in such employment may properly render the services, in the interest of the Association and of its members, of which the following are illustrations, though not exclusive of others of a similar nature: advice

to the Association; representation of a group of creditors; filing of petitions on behalf of committees; acceptance of proxies; inter-communication between creditors; prosecution of fraud; investigation of fraud; advice to members where the interests of the Association are affected; appearance before legislative bodies in behalf of interests represented by the Association; preparation of settlement agreements; reorganization of business enterprises; co-operation with other bodies and associations.

The fact that the Association has organized creditors as a group, or has organized committees, or has secured proxies, or has in other ways promoted the activity of its members, is not, in the opinion of the Committee such a solicitation of business for the lawyer as to preclude his acceptance of the employment; always provided, the solicitation is in the interest of the Association or its members; and that its object is not to solicit business for the lawyer under the disguise of the Association.

In such case also the lawyer should observe the same precautions above mentioned (under I above).

The Committee is led to distinguish lawful trade organizations from collection agencies, in that trade organizations are a co-operative effort to unite the activities of those having a common object, in which all are alike interested, and in which they are uniting through the Association in employing legal services for the common end. In the opinion of the Committee the employment of a lawyer to promote this common interest as above indicated contains no element of inherent professional impropriety.

But, as usually conducted, a collection agency exists for its own profit, is an independent contractor, does not exist for co-operative purposes, and solicits business for its own ends, though it doubtless promotes the interests of its customers or it could not exist. When in behalf of a customer it acts as his agent and transmits a claim or employs a lawyer, such employment, in the interest or on behalf of its customer, is not, in the opinion of the Committee inherently improper, provided it is free from divided allegiance or inconsistent obligation, and provided it is not permitted to deprive the lawyer of the untrammelled relation of fidelity to the customer, which is of the

essence of professional duty. Since the interests of the collection agency, unlike those of the trade organization, are not identical with the interests of those whom it undertakes to represent, its solicitation of business is for its own ends; while it may properly employ a lawyer as its own adviser, and to represent it, in the opinion of the Committee, the employment by it in its own behalf, of a lawyer to represent its customers, is the exploitation of his services for its profit, as an intermediary between client and attorney; and this the Committee has always regarded as not professionally proper (whether or not prohibited by statute); for the reason that the exploitation of the office of the lawyer for the profit of another is an abuse of its functions, the solicitation of business for the common advantage of the agency and the lawyer is solicitation for the lawyer, and the obligation to the agency should not be permitted to supersede or interfere with the primary obligation to its customer.

The same principles which apply to the conduct of the lawyer for the trade organization of course apply to the conduct of the lawyer for the collection agency.

Upon the same principles which apply to trade organizations, a lawyer if not prohibited by statute may in the opinion of the Committee, without professional impropriety accept employment and pay from associations of employees, or employers or any other body of persons having common or similar interests, organized and employing the lawyer for the promotion of such interests.

The recommendations made by the Committee on Legal Ethics were duly approved and the Committee continued.

The Chairman:

Next in order is the report of the Committee on the Restatement of the Law.

Waldo G. Morse, of New York:

Mr. Chairman and Members of the Association: The report of your Committee on the Restatement of the Law is as follows:

REPORT OF COMMITTEE ON CLASSIFICATION
AND RESTATEMENT OF THE LAW

To the New York State Bar Association:

Your Committee on Classification and Restatement of the Law respectfully reports as follows:

Pursuant to the action taken at the meeting of this association in January, 1920, your Committee proceeded to communicate with the officers of the State Bar Associations of the several states, sending copies of its report and have received during the year favorable consideration from twenty-nine of these associations through officers or by resolution.

At its annual meeting last August the American Bar Association took action upon the report of its Committee on Classification and Restatement of the Law, approving the report and adopting the resolution submitted by the said Committee.

It is worthy of remark that such action by the American Bar Association is the first looking to practical measures for accomplishing the object aimed at.

A copy of said report so adopted by the American Bar Association is appended hereto with the recommendation that this association express its approval and willingness to co-operate in carrying out the work proposed.

Because of such accomplishment by the American Bar Association, your Committee deemed unwise any conference of State associations, as suggested by the action taken last year, and now recommends that it be continued under the instruction already given in order that it may co-operate with other associations as occasion may arise.

Respectfully submitted,

C. ANDRADE, JR.,
JAMES D. ANDREWS,
ADELBERT MOOT,
WALDO G. MORSE.

REPORT OF THE AMERICAN BAR ASSOCIATION
SPECIAL COMMITTEE ON CLASSIFICATION
AND RESTATEMENT OF THE LAW

To the American Bar Association:

Your Committee recommends the passage of the following resolutions:

"Resolved, That the report of the Committee on Classification and Restatement be received and adopted, and that said committee be continued and that it be and hereby is authorized and directed in conjunction with the Executive Committee to take such steps as may be deemed necessary and expedient to co-operate with any body which has for its purpose the carrying on of the proposed work of classification and restatement of law."

The systematic restatement of the American Law was urged by able jurists from time to time during the latter part of the eighteenth century and the first quarter of the last century, and it is worthy of notice that James Wilson, the great statesman-jurist of that period, expressly condemned alphabetical arrangement and insisted upon logical classification. About the middle of the last century the experiment of Codification as a means of simplifying the law and making the administration of justice, simple, cheap and speedy obscured for a time all other means.

Uniformity of law as now understood does not seem to have been regarded as desirable or necessary during antebellum period but with the growth of interstate commerce the need has become more clear and pressing.

Classification, as a means of systematic exposition displaying in logical order the system of relationships and giving to the law a greater degree of certainty, simplicity of statement and displaying the identity and uniformity of the fundamental framework of principles of the law, was brought before this Association in 1889 and a committee was appointed to consider the subject. Various reports

were had from time to time but no recommendations for action were made and about 1905 the committee was discontinued.

In 1909 an active canvass was carried on outside this Association to ascertain professional opinion with a view to securing some organized effort and adequate support of the movement.

Through the account published in the Green Bag of February, 1910, it was made apparent that professional opinion was strongly in favor of some active means to forward the movement and the very wide and favorable comment in the newspapers throughout the nation attested conclusively, the public appreciation of the importance of the movement. Plans were then put in motion for an organization with the idea of securing professional co-operation with the result that in the spring of 1914 55 well-known lawyers from all parts of the country united in organizing the American Academy of Jurisprudence. The advent of the World War in the summer of that year suspended any active efforts for the time being. The subject was not, however, dropped or lost sight of.

In his annual address as President of this Association, Mr. Root referred to the subject in the following words:

"We are approaching a point where we shall run into confusion unless we adopt THE SIMPLE AND NATURAL COURSE OF AVOIDING CONFUSION BY CLASSIFICATION.

"The problem of classifying and simplifying our law involves the need *to carry to the great mass of them* (the lawyers), present and future, a comprehension and discriminating understanding of *the legal principles* which form the thread of Ariadne for guidance through the labyrinth of decisions."

In another communication to the members of the Association, in urging the necessity that the Bar should begin the serious and deliberate consideration of measures looking to the improvement of the law he wrote:

"It is plain that the whole world has entered upon a period of re-examination and development of political

and juridical systems. Nowhere is this period of development more critical than in the United States.

"In this juncture the highest duty of service to the country rests upon the Bar. Their knowledge, their training, their fitness to lead opinion, should be utilized to the utmost. This duty cannot be effectively performed by lawyers acting singly each by himself. It must be by association. In modern times it is only by the power of association that the men of any calling exercise their due influence in the community.

"For the performance of this duty a great agency already exists in the American Bar Association."

At the next meeting of the Association, 1917, the matter was again submitted to the Association and this special committee was appointed.

Deeming it desirable to have complete and thorough examination of such plans and material as had been made and gathered by those who had devoted themselves to this project and had submitted the proposal, the committee engaged the services of Prof. Edwin M. Borchard of Yale Law School. He devoted two weeks to an examination of plans, material and data, which Mr. Andrews had collected during many years' consideration of the subject and reported in part as follows:

"No scheme of classification has yet received unanimous support nor with the possible exception of Blackstone's Commentaries, has any executed institutional work, based upon an individual plan of classification, been received as a corner stone in the development of our law. Probably no one man's classification will ever receive unanimous approval. In order, therefore, to obtain as large an authority as possible for any proposed plan it is desirable that the best thought of the country be enlisted in the consideration of the various plans of classification that have already been suggested and the consensus of opinion obtained in the approval of the plan considered best."

As to the restatement of the law Mr. Borchard's report contains the following:

"As already suggested, the method that might feasibly be employed and that might receive approval from Bench and Bar is one which will enlist, in its execution, the co-operation of the best talent in the country. Under the auspices of the American Bar Association, it is believed that this can be done. No plan or work of any one man can obtain any but very limited support and only in very exceptional cases exercise any definite influence upon our law. The very few treatises in which such an influence may be found are quite exceptional and the fact that they exercise such small influence on our law (in marked contrast to the condition in continental Europe) tends to deprive legal thinkers of any stimulus to undertake such work. Indeed, little encouragement is given in our law to men who have the capacity to undertake legal analysis and criticism, because their influence on the members of the Bench and Bar is so small. Much of the best of our legal thought is to be found in legal periodicals which are noticed, but rarely by our courts.

"The proposed undertaking will encourage the highest grade of productive work and the selection for the board of trustees of men of the strongest equipment and caliber will afford a guaranty to the profession that the work will be kept in the most competent and best qualified hands."

The work of the restatement of the law, therefore, instituted and supported by the American Bar Association under a plan or organization national in its scope and drawing to its aid the best equipped brains in the country, will, it is believed, constitute the most important public service rendered to our law during the past century. The possibilities for a resulting improvement of our law cannot be over-estimated and it is conceived that to foster such an undertaking is the highest function of the American Bar Association.

Having in view all that has been said and written on this subject in recent years together with the examples of attempts

to restate the law in this and other countries and with the nature and conditions of the subject and recent experience in the submissions of schemes for the improvement of the law your Committee concurs in the view that a project so broad and fundamental must be the work of the best legal talent in organized co-operation. Your Committee also believes, that a logical classification is feasible and desirable.

The proposed restatement must be looked at as a task to be undertaken after the classification has been agreed upon; that is, after the analytical and synthetical work of discovering the order and relationship of the elementary concepts of the law. From this viewpoint the task does not seem to be one beyond the power of our best scholar.

When this step has been taken the work of restatement consists in filling in of the framework or outline produced by the classification with the details which constitute the actual law of each and every of the several subjects and topics outlined in the classification.

In view of what has been done in several branches of the law by individuals and the several more comprehensive expositions by the encyclopedias which have appeared in the last thirty years, it is clear that the task of restating the rules of law is not an impossible or an unusual one.

The proposed restatement deals with the same subject and the same material, but the proposal is to deal with them in an entirely different way and by a body of scholars of an entirely different quality, and in accordance with entirely different plans, processes and methods.

Mr. Root has graphically pointed out the need, and in doing so, has emphasized elements altogether absent from all comprehensive works and which it is proposed to make dominant elements in the proposed work.

The elements here referred to involve carrying to the lawyers a comprehension and understanding of fundamental *legal principles* and by *classification* showing that these principles form a thread or clue through and to the mass of decisions.

The character of such a proposed work is different from what has been previously attempted. The quality of the resulting product is of necessity different. Such work can only be done by men having the highest qualifications.

The causes for the confusion and uncertainty of the law and the responsibility for them are matters which are relevant to the means which may be taken to improve the law. Of these causes it may be remarked that in a complex and progressive system of law there is a natural tendency (in the absence of counter influences), to confusion and uncertainty and in a country composed of so many states with a large number of independent courts, and with no court of ultimate decision as to a large part of the subjects of litigation this tendency is increased.

The counter influences which exist in this country are of two distinct kinds. The first is inherent, viz.: the existence in all the states of identical institutions and the same system of fundamental principle called the common law, but under the conditions which exist the principles of this theoretically identical law have themselves become less certain and definite and more varied and contradictory. Your Committee has no hesitation in recommending that means be taken to emphasize the general principle underlying the system of law common to all the states, and so far as practicable to bring about uniformity in the laws of the several states.

The other counter influence must consist in the conscious efforts of persons official or professional, who by natural inclination or by the nature of their vocation, are impelled to safeguard the creation and development of law, viz.: legislator, judges and jurists.

Until a comparatively recent time when with the support of this Association the Commission of Uniform State Laws was established as a permanent effort to attain more uniform laws, the legislatures, judges and writers seem to have been concerned more with the intrinsic merit of the specific rules of law enacted or developed by judicial decision than with the development of a system of law uniform throughout the various states. It is to be remarked that up to the present time there has been no organized effort to deal with the law as a whole and as a unitary structure constituting one system of law for the whole country.

Again the great and fundamental principle underlying all common law has been too often ignored, viz.: that the common

law must harmonize the rules with the condition of life and old precedents must bow to new conditions.

The above remarks may be qualified by excepting from the general statement just made the efforts of those members of the lawyer class, few in number, who by their writings have preserved to the law such form and certainty as it has, and have prevented it from drifting into utter chaos, but it must be admitted that these efforts have been spasmodic and fragmentary, and have not sufficed to stem the tide of confusion and disintegration.

It seems, therefore, to your Committee that the drift of law toward uncertainty, confusion and variation, is progressing and that the time has come to take the necessary steps to inaugurate an organized and permanent effort to improve the American Legal System in all its parts, and as a whole.

Your Committee submits that no existing agency or organization could attempt the execution of the necessary work with probability of success, but your Committee expresses the belief that this Association has within its membership the power, the capacity and the resources, which if properly organized and wisely directed can carry out the work in a manner to greatly improve the law and the administration of justice.

Our national aspirations should be satisfied by nothing short of leadership, not by the power of our financial and industrial resources, or our military strength, but by reason of the excellence of our institutions, our laws and the efficient administration of justice. A certain and uniform system of law for a country so large in area and so divided as to government, can be attained only through making plans by visible expression with the greatest attainable certainty, simplicity, completeness and order, the great system of law which has been developed, but which has been inadequately expressed in this country.

For the accomplishment of this high purpose, only the legal profession is qualified. It is work which must be done by lawyers because others cannot do it.

The question is now presented: Shall this Association encourage the performance of this great task by furthering an organization adapted to its performance? Upon this subject Mr. Root, in the address alluded to, said:

"A few men are already taking the lead in classification. Some very able and public-spirited lawyers have been for some years urging the organization of a definite specific movement for the restatement of the law; for a new *corpus juris civilis*. They are quite right. It ought to be done."

With this statement your Committee is in accord.

It is unnecessary at this time to determine how and in precisely what manner the work shall proceed, but it is important that some organization capable of carrying on the work shall be created. The details may safely be left to those who are entrusted with the work.

As is well known to many the preliminary organization of the American Academy of Jurisprudence with a like object in view was effected just prior to the war. From its name, the character of its membership, its avowed object and the well-known purpose of its organizers, the Committee suggest that this Association shall co-operate with this Academy, and utilize it for the purpose of a permanent organization.

Respectfully submitted,

JAMES D. ANDREWS,
ADOLPH J. RODENBECK,
FREDERICK W. LEHMANN,
SAMUEL WILLISTON,
DAVID W. AMRAM,
EDGAR A. BANCROFT,
ROSCOE POUND,
HARLAN F. STONE,
EDMUND F. TRABUE.

The Chairman:

We will now take up the report of the Committee on Legal Biography.

James D. Andrews, of New York:

This report, Mr. Chairman, is as to the death of members during the year, and the report is simply a reading of the names, unless there is some specific mention to be made of any individual.

REPORT OF COMMITTEE ON LEGAL BIOGRAPHY
LIST OF DEATHS REPORTED SINCE LAST ANNUAL MEETING

Lynn J. Arnold.....	Albany.
Francis S. Bangs.....	New York City.
Arthur V. Briesen.....	New York City.
Francis M. Burdick.....	De Ruyter.
Eugene L. Bushe.....	New York City.
George Card	Poughkeepsie.
George H. Carpenter.....	Liberty.
Philip Carpenter	New York City.
Wm. G. Choate.....	New York City.
Vernon Cole	Buffalo.
Julien T. Davies.....	New York City.
David T. Davis.....	New York City.
George A. Davis.....	Buffalo.
Duncan Douglas	Albany.
Murray Downs	New York City.
Justice Dugro	New York City.
John G. Farwell.....	Geneva.
Ernest Hall	New York City.
Albert Hessberg	Albany.
J. Homer Hildreth.....	New York City.
Marcus T. Hun.....	Albany.
Henry B. Ketcham.....	New York City.
William E. King.....	Jamestown.
Robert R. Law.....	Cambridge.
Abraham Levy	New York City.
Charles E. Lydecker.....	New York City.
W. A. MacDonald.....	Gloversville.
James T. Malone.....	New York City.
Geo. McLaughlin	Albany.
William B. McNiece.....	New York City.
Francis B. Mullin.....	Brooklyn.
Selig B. Neuburger.....	New York City.
Raymond Hull Noble.....	New York City.
Nathaniel W. Norton.....	Buffalo.
Fletcher C. Peck.....	Rochester.
Sidney W. Petrie.....	Buffalo.
Eugene A. Philbin.....	New York City.
William A. Robinson.....	Brooklyn.

Thorndike Saunders	New York City.
Henry Schreiter	New York City.
Frank Sullivan Smith.....	New York City.
N. B. Smith.....	Pulaski.
R. H. Smith.....	New York City.
Denis A. Spellissy.....	New York City.
Francis Lynde Stetson.....	New York City.
William H. Sullivan.....	Rochester.
Charles A. Talcott.....	Utica.
Howard Taylor	New York City.
Frederick B. Van Vorst.....	New York City.
A. D. Wales.....	Binghamton.
John S. Wise.....	New York City.
Frank S. Wood.....	Batavia.

Dated, January 18, 1921.

A. T. Clearwater, of Kingston:

I have been requested by the President of the Association to pay a tribute to the memory of Francis Lynde Stetson, a former President of this Association.

Francis Lynde Stetson, President of this Association from January, 1908, to January, 1909, was born at Keeseville, Clinton County, on the 23rd day of April, 1846.

Graduating at Williams College in 1867, at the Columbia Law School in 1869, he entered the Bar that year, and always led a distinguished and useful life.

Not only was he a great lawyer of large professional influence, but he possessed a capacity for business equal to his professional ability, and was the friend and counsellor of princes of finance, of Governors of States and Presidents of the United States.

Particularly was he a pioneer in the field of corporation organization when that was an honor, not a reproach.

Of great intellectual force, he had a high conception of public service, coupled with vision, imagination and an unfaltering courage.

To him it is believed the country is indebted for the anti-silver policy of Mr. Cleveland's second Administration, and

for its adherence to the old time hard money anti-inflation principles of the party, which held Mr. Stetson's old fashioned allegiance.

But his public service was his conception of the duty of a citizen to the State, and not a rung on the ladder of political preferment.

He was a scholar, with a taste for gentle satire, cultivating to the last his interest in the Classics. A single illustration may be permitted. Not long ago there was a renewed discussion regarding the claims of the seven Cities which disputed with each other the honor of being the birthplace of Homer. Mr. Stetson wrote to the newspapers stating that in his youth they were arranged in hexameter verse as follows: Samos, Rhodos, Colophon, Salamis, Chios, Argos, Athenae.

Of course that marshalling was not hexameter, and doubtless with others, I called his attention to the fact that of the six feet of hexameter, the first four were either dactyls or spondees, the fifth almost invariably a dactyl, and the sixth usually a spondee, suggesting Smyrna, Chios, Colophon, Salamis, Rhodos, Argos, Athenae, whereupon he wrote me that Homer, three thousand years dead, seemed to have more potent friends than some Presidents of the United States.

He was a generous man, unostentatiously giving freely to religious, educational and social work, and was one of the most liberal of the benefactors of his Alma Mater.

For over thirty years our relations were cordial and intimate, to some extent at least, I was the confidant of his sorrows, and had for him a great admiration and a sincere affection.

But with all, he was a Christian gentleman, unhesitatingly accepting the great and fundamental doctrines of the atonement; of the resurrection of the body; of the life everlasting.

George L. Ingraham, of New York:

I did not expect that any memorial would be presented here in respect of Mr. Stetson, but I could not sit still and hear the very admirable statement of Judge Clearwater, without adding my tribute to the memory of Mr. Stetson.

The Presiding Officer of this meeting and myself were members of the class in the law school that graduated in May, 1869; we were admitted to practice on the same day. From that time on Mr. Stetson and your Presiding Officer and myself maintained the greatest intimacy, and the most cordial personal relations. I desire to say only a word as to his personal characteristics, rather than as to his professional position at the bar. What he was in the profession we all, most of us, know well. He was a man of the highest honor, with a most exalted sense of professional ethics, a man whose word was never doubted, and whose whole career was not only an honor to the State, but to the profession of which he was a valued member. His personal qualities were what I feel most deeply to-day, the severance of those personal relations, which has been to me one of the great sorrows of my life. Mr. Stetson and I met constantly. He was all that Judge Clearwater has stated; and, in addition, he was an extremely loyal friend; and, Mr. Chairman, if it is proper at this time to do so, I would move that this Association deplores his death and recognizes the high qualities which he brought to the use of the public and the profession.

The motion was variously seconded.

The Chairman:

Gentlemen, you have heard the resolution offered by Judge Ingraham, which has been generally seconded; it seems to the Chair an eminently proper one to be adopted, and I will ask all those who are in favor of the adoption of the resolution to signify by saying aye; those of a contrary opinion, no.

The resolution is unanimously adopted, and the remarks which have been made by Judge Clearwater and Judge Ingraham will be added to the record.

Next in order on our program is the Report of the Committee to Consider the Advisability of Establishing an American International Court.

Meier Steinbrink, of Brooklyn:

In the absence of Mr. Wickersham, who was to present this report, I am asked to do so.

REPORT OF COMMITTEE TO CONSIDER THE ADVISABILITY OF ESTABLISHING AN AMERICAN INTERNATIONAL COURT

To the New York State Bar Association:

The Committee appointed to consider the advisability of establishing an American International Court reported at the last meeting of the Association that, as the work of the Peace Conference at Versailles, which involved consideration of the whole subject of international arbitration, courts, etc., was still before the United States Senate for consideration, and had assumed a controversial aspect, it was the opinion of the Committee that until that matter was definitely disposed of, the time was not propitious for bringing forward for discussion the subject of a purely American International Court. Since the date of the last meeting of this Association, the Senate of the United States has voted not to concur in the ratification of the Treaty of Versailles, and the whole subject of international arbitration is still left open in a controversial state. The new National Administration will have to deal with the matter in some form. The League of Nations, at the meeting of the General Assembly recently held in Geneva, adopted, with some modifications, the plan for the establishment of a permanent court of international justice, pursuant to the provisions of Article XIV of the Covenant of the League of Nations, and if, in the final solution of its relation to the consequences of the world war, the United States shall become a party to the Treaty of Versailles, under modifications which recognize the establishment and jurisdiction of this international court, the creation of a purely American International Court probably would become unnecessary and inexpedient. As the matter is still in an unsettled state, your Committee is of the opinion that it is expedient for it at this time only to report progress.

Respectfully submitted,

GEO. W. WICKERSHAM,

Chairman.

Dated, NEW YORK, *January 4, 1921.*

The report was received and filed, and the Committee continued.

The Chairman:

Next in order is the report of the Committee on Proposed Legislation Relative to the Commitment and Discharge of the Criminal Insane.

The Secretary:

I am asked by Mr. John Brooks Leavitt, of New York, to present the following report:

REPORT OF COMMITTEE ON THE COMMITMENT AND DISCHARGE OF THE CRIMINAL INSANE

To the New York State Bar Association:

The Committee on the Commitment and Discharge of the Criminal Insane begs to report that the bills heretofore approved by the Association have been, or are about to be re-introduced in the Legislature, and now that we have in the gubernatorial chair a lawyer of distinguished ability, there is hope that, if passed by the Legislature, they will be approved by the Governor.

January 5, 1921.

JOHN BROOKS LEAVITT,

Chairman.

The report was received and filed, and the Committee was continued.

The next business is Nominations for Membership in the Association.

The Secretary:

I have here a number of applications for membership in the Association.

The Chairman:

The names are referred to the Committee on Admissions.

Now, gentlemen, is there any miscellaneous business that we can take up at this time?

James W. Persons, of Buffalo:

Mr. Chairman, if it is not out of order, I would like, on behalf of the Bar Association of Erie County, seconded by the Mayor of the City of Buffalo, and by the Buffalo Chamber of Commerce, to extend to this Association an invitation to hold its next Annual Meeting in the City of Buffalo.

We in the City of Buffalo recognize that New York is probably the best place to hold the meetings of the Association most of the time, but once in a while, I think it would be well, and extremely profitable, if the Association should hold a session in Buffalo; it would certainly give us instruction, and would inspire us, and I hope this invitation will be accepted.

The Chairman:

The invitation will be referred to the Executive Committee.

Louis L. Waters, of Syracuse:

As a very brief preliminary to the resolution which I will ask to be permitted to introduce, I desire to say that in the Northern Central District of New York, we feel increasingly, both lawyers and litigants, the burden of the size of the district; and that is perhaps emphasized with us by the increasing burden put upon the District Federal Judges. I also understand that that is the case in the other federal districts of the State. We want to approach the situation with great care and do not want to ask any action of the Association which should be ill-advised; but we feel that we would like some action, if possible, of the Association, before the adjournment of the present session of Congress. We do not wish any action taken by the Association without deliberation, nor without consultation with the Federal District Judges throughout the State, nor without consultation with the Senators and Congressmen of the State. Therefore, I beg leave to offer the following resolution:

WHEREAS, The labors of the Federal District Judges of the State of New York have been greatly increased, and

WHEREAS, It appears that certain Federal Judicial Districts of the State are so large that the burden of practice and litigation therein is very great upon litigants and lawyers, and

WHEREAS, Action of the Association upon the matter may be desirable before another meeting of the Association is held,

Resolved, That the President of the Association appoint a Committee of eight members, two from each of the Federal Judicial Districts of the State, to investigate the matter and to consult with the U. S. District Judges of the State, and with the Senators and Members of Congress of the State, and that said Committee have power to take such action, in the name of this Association, in the matter, as shall seem proper to said Committee after such investigation and consultation.

I move, you, Sir, the adoption of this resolution.

The resolution was seconded.

The Chairman:

Is there any discussion upon this resolution?

A Member:

It seems to me that is giving a great deal of power to a Committee to act in the name of this Association, and I would suggest, as an amendment, that the power of the Committee be subject to the approval of the Executive Committee.

Mr. Waters:

I will accept that amendment.

The resolution as amended was duly adopted.

The Chairman:

Is there any other miscellaneous business?

Meier Steinbrink, of Brooklyn:

A year ago this Association went on record as opposed to the direct primary in so far as the judiciary is concerned, and the President of the Association, who is at present our

distinguished Governor, in his message to the Legislature has again called attention to this subject.

Last year a bill passed the Assembly and the Senate, but was vetoed by Governor Smith. Now, I believe the reason that was assigned was that the bill was not made generally applicable to the judiciary of the entire State. Since the subject will undoubtedly again come before the Legislature, I move that this Association record itself as opposed to the direct primary in so far as the judiciary is concerned.

The Chairman:

Is the motion made by the gentleman from Brooklyn seconded?

The motion was seconded.

Frederic W. Hinrichs, of New York:

I should like to say a word on that subject. I am opposed to interfering with the direct primary law — imperfect as it is — unless to strengthen and improve it. I think we ought to vest in the Governor the power to appoint judges. Then, at least, we should have some one who would stand before the community as responsible for the character of the appointments. The people do not know to-day who nominate our judges, for they are really appointed, and only elected in form. We know perfectly well what ordinary machine-politics means, we who have been in public life. It does not hesitate to lay its hands even upon the courts. We should vest in the Governor of the State the power to appoint our judges. Then we shall have some one holding office, standing in the light of day, whom we can hold responsible.

I believe in democracy from the bottom up. We ought to have compulsory voting in the primaries and on election day. I have advocated that in season and out of season. Such a system would put the government into the hands of the people. We ought to have compulsory voting, in order that we may, at last, have something like a real democracy.

I, therefore, move that we dissent from the suggestion made by Mr. Steinbrink and that we advocate the placing in the hands of the Governor of the State the appointment of judges. I make that motion as a substitute.

Daniel S. Remsen, of New York:

I second that.

George L. Ingraham, of New York:

While I am in sympathy with Mr. Hinrichs' thought that we should return to the time-honored method of the selection of judges by appointment by the Governor, yet that is not the question before us. The question before us is whether we can get better judges by having a primary election prior to nomination, or whether we can get better judges by having them nominated by a convention. The great difficulty that we have had in the proper selection of judges is that any member of the bar who is competent, or thinks he is competent, to fill judicial office, will shrink from the necessity of wire pulling and all kinds of things that are necessary, and it is left many times to those who are incompetent, and who will treat the judicial office as a means of livelihood rather than as an honor, as a prominent position in the profession. In my experience for the past forty years I have done everything that I could to elevate the character of the men who aspired to the bench, the men who were candidates for judicial office. The greatest obstacle that I have found is the fact that many men who would make admirable judges have refused to become candidates because of the fact that they had to go through this period of probation, as it were, in order to get a nomination. This primary business doubles the amount of trouble that a man has before he can be nominated. We all know that the primaries are controlled exactly by the same influences that conventions are controlled by.

Mr. Hinrichs:

Would they be so controlled if we had compulsory voting in this country, so that every citizen would have to register his vote?

Judge Ingraham:

I do not know about that. I doubt whether compulsory voting has ever been successfully instituted anywhere. Furthermore, I do not know what penalty could be meted out to a man who was sick and didn't vote, or to a man who refused to vote. But that is not the question before this meeting.

The question here is whether we are to conduct these elections for judges, whether a man, in order to be a candidate for judicial office has got to go through twice the experience, which is repugnant to every lawyer who is capable and fit to be a judge. In several instances, in which the Governor has offered an appointment to a judgeship, where vacancies existed in the Court of Appeals or in the Supreme Court, I know men who would have made very splendid judges who have declined the honor simply for the reason that they knew they would have to go through an election before they could take the office for a fourteen-year term, and that would mean giving up their professional practice entirely.

Since the primary has been established it has been much more difficult to persuade men to accept a nomination to the Court of Appeals or to the Supreme Court because of the fact that they have to go through this double process. I, therefore, second the motion that has been made by Mr. Steinbrink.

A. T. Clearwater, of Kingston:

I have had about fifty years' experience in the matter of the selection of candidates for judicial office. Among my activities is that of Chairman of the Judicial Committee of the Third Judicial District. I have held that exalted office since the adoption of direct primaries. It is my experience that the direct primary as applied to the selection of judicial candidates is a nuisance, a menace and should be abolished.

The question here is not whether we should have an appointive, instead of an elective, judiciary. That can only be done by a Constitutional Amendment. I am in favor of an appointive judiciary. I argued for it in the late Constitutional Convention. I do not think you will succeed, with our polyglot population, in securing a Constitutional amendment providing for an appointive judiciary. Nor is the question here whether the Governor should appoint. He has no Constitutional power to appoint.

Now, what is the experience of a man who aspires to be justice of the Supreme Court in this State? In the first place, he has to secure a notary public in every county. In the Third District we have seven counties. The notary, assum-

ing that the candidate is a Republican, must interview enrolled Republicans. A Republican who is not enrolled has no part in the direct primary. This notary goes about interviewing the statutory number of enrolled Republicans, who must sign a petition for the designation of the candidate for the judgeship. Then the enrolled Republican must swear that he is enrolled, that he supported the ticket of the Republican Party at the last preceding election, that he is in favor of this lawyer for Justice of the Supreme Court, and that he will vote for him at the general election next ensuing. Then the seven notary publics in the seven counties of the district, marshal the various petitions, and if they have enough enrolled Republicans, the man so designated has a chance of getting upon the primary ticket. But any Republican Tom, Dick or Harry in the entire district can start up in the same way; and employ notary publics in the seven counties, send them around to the enrolled Republicans, and, if he has more enrolled Republicans than the first man, he gets on the primary ticket. You observe that is a humiliating experience. It would be not only odious, but odorous, to recite the recent experience we had in the Third District, but fortunately in the seven counties, excluding myself, of course, we had gentlemen who, with force and arms, were able to see to it, that proper candidates were nominated for judicial office, and, to a large extent, relieve judicial candidates from a great deal of this humiliation. But that was done at considerable expense. It has occasionally precipitated into the general election a great deal of feeling. Any one who has had any practical experience, who does not predicate his conclusion upon idealistic notions, but upon the humdrum daily experience in political contests, will see that the direct primaries with regard to judicial nominations should be abolished.

It may be that for some offices, Senators or Assemblymen, possibly for United States Senators and Governors that it is right, but certainly not for candidates for judicial office. I know men, and Judge Ingraham here knows men, who are fitted for judicial office, who have declined the nomination simply because they would not go through this exasperating and expensive process, and I have known gentlemen who were

not fitted for judicial office to pay as much as \$14,000 for a preliminary primary effort.

Frank Harvey Field, of Brooklyn:

I rise to favor the resolution that has been offered by Mr. Steinbrink. In the Second Judicial District we had an instance illustrating the absurdity of the direct primary as applied to judicial office. One of the candidates was a gentleman who was a Municipal Court Justice. He aspired to be the tenant's friend. He got enough votes to put his name on the primary, and we were favored with cartoons of this gentleman kicking landlords out of a tenant's house. That is the sort of a campaign that he conducted, and he got a considerable number of votes——

The Secretary:

According to a postal card that is on my desk, he got 117,000 votes.

Mr. Field:

We lost the services of Judge Townsend Scudder through the direct primary. There is no question whatever but that in a convention the Republican Party would have renominated Judge Scudder, who is one of the best Judges that we ever had in the Second District. I agree with the statement that an appointive judiciary is the ideal form, but we cannot get that now. We can abolish this absurd system of the direct primary.

John J. McInerney, of Rochester:

I think we are not going far enough. As one who voted for the direct primaries, I desire to say that I have lived long enough to repent it. I believe there is much merit in the appointive system. But let us not be swayed by the fact that we have now a man of a judicial mind in the gubernatorial chair. I think it would be well that three or four men should be nominated, men belonging to the different political parties, and that those parties shall be such as passed say, 100,000 votes in preceding elections, and then let those nominations be threshed out on the Legislative floor, not merely in the

Senate, but in the Assembly, and then you will find out the merits of the men; then you will get an expression from all classes of people, because there is no such representative body in the State as is the State Legislature. Also, in selecting these judges let them be men who have had experience in the practice of the law, men who have tried a certain number of cases for plaintiffs and a certain number of cases for defendants.

J. Newton Fiero, of Albany:

I think we are all pretty well agreed that direct primaries ought to go, so far as the judiciary is concerned, but it seems to me that the amendment is not germane to the original motion. The question now seems to be whether we shall over-ride the original motion with a resolution. which has no relation whatever to it.

Mr. Hinrichs:

I offered my motion distinctly as a substitute.

Mr. Fiero:

My argument is the same, whether you offered it as a substitute or not. I think it ought not to take precedence over the original resolution, as to which we are all agreed, and that your motion should come up as a separate motion afterward. I make the point of order that your motion is not a substitute in that it is not germane and is not connected with the subject matter of the original resolution. I ask the Chair if that is not so, in his opinion?

The Chairman:

I think it is clearly not germane.

D. Raymond Cobb, of Syracuse:

I am in favor of Mr. Steinbrink's motion. This Association went on record a year ago. There is certainly no more detestable thing than the direct primary. In the first place, the idea is most detestable that a man who is to be a candidate for the Supreme Court must go into a campaign, and have his picture posted on barns and telegraph poles throughout

the country. That would almost prevent anyone, any self respecting man, from going into a campaign. Why, I have witnessed campaigns by Supreme Court candidates where they went so far as to publish the decisions of the Judge, and the number of railroad cases that he had decided, either in favor of plaintiffs or in favor of defendants.

I also agree with Judge Clearwater in what he said. It was the experience of our Committee in convention that while from New York there were many lawyers who favored the appointment of judges, yet the sentiment of the State would not permit it. So, if we are steered away from this original motion which has a direct application to our own affairs, the nomination of judges, into a proposition to restore the convention system in its entirety, and if we diverge along the line of appointive judges, or some other new or novel system, nothing will be accomplished. If we can put the weight of this Association back of a move to have judicial officers nominated by conventions, I think that can be accomplished.

Joseph D. Senn, of Oneida:

I would like to ask, for information, what kind of judges it is that are contemplated here? Are they judges of courts of record?

Meier Steinbrink, of Brooklyn:

At the moment that I made my motion I had not been able to find the resolution that was passed last year, but I have now found it. It is as follows and I now offer it:

"Resolved, That the Executive Committee be empowered and directed to take such action as might be advisable to secure an amendment of the Election Law to the end that the nomination of judicial officers shall be removed from the operation of the direct primary as now in force."

Under that resolution I should say that it was applicable to all judicial officers who are now elected.

Mr. Senn:

I am in favor of the original resolution.

Frederic W. Hinrichs, of New York:

The motion before the house now is as to my substitute, I take it—and my substitute is this: That it is the sense of this New York State Bar Association that the power of appointment of judges be vested in the Executive of the State. I know that this will require a Constitutional amendment, and I know that it requires a great deal of effort to educate public sentiment in favor of such amendment, in order to carry it through the Legislature and ultimately to secure the people's endorsement. But, gentlemen, do not be faint-hearted. I have undertaken in the course of my life many things that seemed to be more discouraging of attainment, at the outset, than this does. It requires courage; it requires vision, in order to carry through this proposed great reform. Only a few years ago, at a well attended convention of this State Bar Association in Albany, this whole matter was discussed, and a resolution was adopted in favor of vesting again in the Governor the power to appoint our judges.

Judge Ingraham remarked, a few minutes ago, that he did not know that compulsory voting had ever been established anywhere. Upon this subject, let me remind him that compulsory voting has been known in municipal elections in Belgium for years. A citizen is very careful to perform his political duties there, as failure to perform means a penalty. In the Prussian Diet, since the war, a measure for compulsory voting was passed. The Argentine Republic—which is, in effect, the United States of South America—in its fundamental law provides for compulsory voting. I heard Ambassador Naon, of Argentina, say, while addressing a meeting of the American Bar Association in Washington, that in Argentina they have provided by constitutional law for compulsory voting. In 1789, at the time of the French Revolution, when the feeling of democracy was paramount, and the government was still in the hands of sincere and patriotic men—compulsory voting was advocated. In some of the cantons of Switzerland they have compulsory voting to-day, and it has worked admirably wherever it has been put into practice.

I am told by one of my colleagues here, that compulsory voting prevails in Brazil. I know that Ex-Attorney General Wickersham advocated it, years ago, in a published address.

In a democracy, no man should be vested with citizenship who is not willing to give a little time to the affairs of State. The men who wish perpetually to control politics in this State are the men who are now attacking the direct primary law, first as to judicial officers and State officers. Let us preserve what we have secured, however imperfect. Last year, I sent, at my own expense, to every member of the Legislature, a brief on this subject. I want to say to you that members of Tammany Hall were the men who responded, and frankly commended my efforts. The others passed the matter over in silence. They do not want real democracy. Gentlemen, you cannot get rid of the primary law. Do not permit the Bar Association of this State to have its name associated with a fear to trust the people. Let us try more and more to expand the opportunities that we have accorded to the people in organizing their government. Do not be weak-kneed in this matter. If you believe that the ideal system is the appointive system, why, say so. But, of course, we cannot secure that reform without a Constitutional amendment. But let us take the step that will get us as near to the ideal as possible.

I have been active in politics for over thirty years. I have never succeeded in being elected, but have been nominated to many offices by people who aspired to bring about better conditions. But, nevertheless, in spite of these surface failures—I have succeeded in accomplishing some results in the matter of the amendment of the Constitution, and in the amendment of our laws, both Federal and State. This can be done by determination and persistence. You can never accomplish anything if you show the white feather. Let us be courageous; let us stand for what we believe is right; let us fix our eyes upon a star and follow it!

Henry W. Sackett, of New York:

Mr. Chairman, I doubt if there is a member of this Association who would not be delighted to see the old method of the appointment of judges by the Governor in effect once more, if that were possible; and I think we do not want to be put in the position by voting against this substitute of Mr. Hinrichs', of apparently expressing the contrary opinion, if

it can be avoided. I think it can be avoided by a point of order. I therefore raise the point of order that this substitute is not germane to the original resolution.

The Chairman:

The Chair holds that the point of order is well taken, and that Mr. Hinrichs' substitute should be offered as a separate motion.

Frederic W. Hinrichs, of New York:

I appeal from the decision of the Chair.

The Chairman:

All in favor of sustaining the Chair will signify by saying aye; those opposed, no. The ayes have it, and the Chair appears to be sustained.

Henry Adsit Bull, of Buffalo:

I am heartily in sympathy with the purposes of this resolution, but it seems to me that it is one which this Association, for the sake of its own dignity, cannot afford to adopt, and one which would prove ineffective if it were adopted. The sentiment has been unanimously expressed, on ample statements of fact, that there are serious defects in the present direct primary system. There is no question about that. I may be pardoned the statement that I was one of the few supporters of Governor Hughes who opposed the Direct Primary Law at the time it was suggested, and pointed out some of these defects, and I have never been at all enthusiastic about it, but we have got to consider the temper of the people; we have got to consider their lack of confidence in the Court; we have got to consider their attitude toward the action of Bar Associations; and, if this resolution is passed, simply condemning the direct primary and offering no instructive suggestion as a substitute for it, there will be a lot of loose talk about the re-actionary tendency of the State Bar Association, and people will say that if this experiment has been tried and found defective, and the Bar Association condemns it, why doesn't the Bar Association point out something that is better.

Now, we do not want to be put in a negative position purely. This resolution, in a way, does offer the opportunity for something better, in that it directs the Executive Committee to favor such amendments to the election law as will remove the choice of judicial officers from the operation of the direct primaries.

I submit that a statement of the Executive Committee, or a resolution of the Executive Committee of this Association, in favor of the passage of bills, as they may be offered in the Legislature, will not carry a great deal of weight with the people, and that the Legislature and the people are entitled to have from the lawyers of this State something in the way of a detailed report or recommendation. The choice of judges and their nomination does present some problems that are different from the nomination of candidates for other offices in the State. The lawyers of the State, who have had political experience ought to be able to deal with those problems better than the public, and ought to be able to offer something that is constructive in the way of an improvement. It seems to me that in the end we really will get further and will do more good for the people, if we have a special committee on this subject to receive suggestions and to make a report at the next annual meeting of this Association, and perhaps make that whole subject the main subject for discussion at the meeting. I am not sufficiently familiar with the procedure to know whether that should be a standing committee to which this subject should be referred or not.

The Chairman:

The Executive Committee would be the proper committee to which it should be referred, if that action is taken.

Henry Adsit Bull, of Buffalo:

The Executive Committee deals with a variety of subjects, and it seems to me that this subject is important enough to engage the careful consideration of a special committee in order that due consideration of the recommendations may be brought forward. Therefore, I will move as an amendment to the pending motion that the President of this Association appoint a special committee consisting of at least one mem-

ber from each judicial district in the State, leaving the membership of the committee otherwise subject to the action of the President to add members as he may see fit, which committee shall consider the whole subject, and report at the next annual meeting of this Association.

The motion was seconded.

Henry W. Jessup, of New York:

As I understand it, this matter was discussed at the last meeting with considerable thoroughness and with some heat, and it was referred to the Executive Committee, which is representative of every district, and, while it deals with a variety of subjects, its selection is made with a view to equipping it to deal with a variety of subjects, and the result of its deliberation was the passage of this measure which was vetoed by Governor Smith under a misapprehension. We have had the will of the Association solemnly expressed, and we do not want to defer it now for another year.

Frank Harvey Field, of Brooklyn:

I hope the amendment offered by the gentleman will not be adopted. The President of this Association has already sent a message to this Legislature—or he will send one, I understand—on this subject, and it will come up within the next few weeks. We should express ourselves in such a way as to put the influence of this Association behind the Governor.

The Chairman:

Your Presiding Officer is here—Governor Miller.

Governor Miller:

Judge Scott, please continue—at least, until this subject is concluded.

The Chairman:

Governor Miller, with his accustomed modesty, has asked me to continue to act as Chairman until this subject is disposed of.

Gentlemen, is there any further discussion of this resolution or of the amendment?

The question is on the amendment, namely: Shall the resolution be amended by adding to it a provision for a special committee to report upon the most ideal system for the election of judges. All in favor of that amendment will say aye; all opposed, no. The noes have it, and the amendment is lost.

The question now reverts to the original resolution which was offered by Mr. Steinbrink, instructing the Executive Committee to take certain measures as to them seem proper for having the direct primary law so amended that it shall not apply to the nomination and election of judges. All in favor of that motion will say aye; opposed, no. The ayes have it and it is carried.

Frederic W. Hinrichs, of New York:

Now, sir, I move my substitute.

The Chairman:

Let me turn the Chair over to its rightful occupant, Mr. Hinrichs, and then you may go ahead. I give way to the President of the Association—Governor Miller.

Mr. Hinrichs:

Mr. President, I move that it is the sense of the New York State Bar Association that the power to appoint judges be vested in the Executive, the Governor, and that such steps be taken by this Association to bring about an amendment of the Constitution of the State as shall be adequate to bring that power into effect.

Judge Ingraham:

I move that the substitute be referred to the Executive Committee, with direction to report upon it at the next annual meeting of the Association.

The motion was seconded.

Mr. Hinrichs:

Mr. President, is that motion to refer to the Executive Committee debatable?

The President:

I am frank to say that I do not know. Perhaps some of the parliamentarians here may know.

A Member:

I would say, Mr. President, that according to parliamentary law it is debatable.

The President:

Well, in the absence of further light, the Chair will hold that the motion is debatable.

A Member:

I move to lay Mr. Hinrichs' motion on the table.

The motion was seconded.

The President:

I think, gentlemen, it would be better to let Mr. Hinrichs state his reasons for the motion.

A Member:

Very well, sir. Than I will withdraw my motion to lay on the table.

The President:

Mr. Hinrichs, you may have the floor.

Mr. Hinrichs:

It is very easy to laugh these matters out of court. We are living in an unusual age. The people are not going to brook any interference with their rights politically. Surely, the Bar of the State of New York is not going to put itself on record as being afraid of that in which it believes. As I have been sitting here, I have heard gentlemen around me say: "I am with you on the matter, I believe the Executive should have the power to appoint judges." Now, can we not say that in the open? Let us have the courage of our convictions. My motion, therefore, is, that it is the sense of the New York State Bar Association that the power to appoint

judges shall be vested in the Governor by Constitutional amendment. I trust that my friend, Judge Ingraham, will withdraw his motion, and let a vote be taken upon this proposition.

The President:

Gentlemen of the Association, the question is upon the motion that has been made to refer the resolution that has been offered to the Executive Committee with instructions to report upon it at the next annual meeting. As many as are in favor of that motion will signify by saying aye; contrarv minded, no. The ayes appear to have it, the ayes have it —

Mr. Hinrichs (Interposing):

I call for a rising vote, Mr. President.

The President:

As many as favor the motion to refer will signify it by standing. Now, those who are of a contrary opinion will stand. The Chair declares the motion to have been carried.

Gentlemen, the Association will now take a recess until two o'clock.

AFTERNOON SESSION

FRIDAY, *January 21, 1921.*

The President delivered his annual address as follows:

PRESSING PROBLEMS OF GOVERNMENT

The pressure of official duties, social and otherwise, compels me to address you at this time rather informally. Perhaps that may result in less accuracy and precision of statement than ought to characterize an address on such an occasion as this or to a body like this, especially made by one who happens at the moment to be occupying an important official position. So I must beg your indulgence and pray that anything I may not completely elucidate may not be misunder-

stood, because I realize full well the danger of misunderstanding what might be said upon an occasion like this by one who has not had time carefully to weigh his words.

The subject of my talk was chosen for two reasons: first, because it happens to be a subject which at the present time is engrossing my thought, and therefore I can talk upon it with the least preparation, and second, also, I think it is a subject appropriate for the observations to be made relating to it, to a body of lawyers, because of all people in the community those who owe the greatest public duty are those best equipped to discharge public duties, and I think that we members of the Bar make ourselves believe, at least, that we are in that class.

Of course, at the moment the most pressing problem of government that I know anything about, the one to which I am at the moment devoting the most thought and the one upon the solution of which the greatest happiness of the greatest number—the promotion of which is the true function of government—most depends, is the matter of the cost of government. And a few observations as to the cause of the present high cost of government may not be amiss, because they will lead to reflections of particular interest to members of the bar.

Of course, the chief cause at present, the cause of the mounting cost of government in the past few years, apart from the influence of the war, has undoubtedly been due to extravagance and the disposition to indulge in luxuries, both public and private. I need not discuss that, that is a problem of economics and economic laws are already tending to solve it.

The next cause I would say is the tendency to centralization of power and authority, and that presents a subject of great moment and of great interest to the bar and to all students of government, and to all who are interested in preserving our scheme of government.

Due to a variety of causes there has been going on for many years a steadily increasing tendency to centralize power and authority by the diversion of it, first, from the localities to the state; and, second, from the states to the Federal Government. That is due, of course, to a variety of reasons

First of all is the inevitable tendency toward centralization which must result, and properly does result from the increasing complexities of society, with the corresponding necessary increase of the exercise of power from the top. The great extension, of course, of Federal power has been under the commerce clause of the Federal Constitution, and as practically all commerce is now interstate, constitutionally at least the Federal Government may take unto itself about what power it pleases with respect to any matters properly pertaining to the regulation of commerce. That was illustrated very recently in the prosecution in the Federal Courts here of indictments for unlawful combinations in the building trades, which, of all things, you would expect to be local. So much so that the Federal Judge before whom these cases came was moved to observe that, although the Federal Court had jurisdiction, they were evidently matters which should have been dealt with in the State Courts.

Now, this extension of power under the commerce clause — some of which is necessary and some of which is done because the commerce clause is used as an excuse — is undoubtedly the chief cause for the great centralization of power in the Federal Government and the breaking down of State power.

Now, there are two aspects of that. Undoubtedly, in so far as it is necessary for the Federal power to be exercised, it ought to be completely exercised, and the conflict between State and Federal power ought to cease because the greater should include the parts.

I am thinking of rate matters. It seems if not absurd, at least illogical, that the Federal Government or Federal Commission should have jurisdiction over rate matters, and that State tribunals should also have similar jurisdiction over related rate matters. And that is a question of conflict of authority. And it presents a question which is now in process of determination as between the States and the Federal Government. And so it comes about that very properly, with great propriety, necessarily from the increasing complexity of modern affairs, there is a legitimate extension of central power.

But there are other things which lead, in my judgment, to the improper extension of Federal power. One is the habit of exercising it. The very fact that such power is exercised properly under the Commerce clause accustoms us to that sort of exercise of power, and is made an excuse for the Federal Government undertaking to do things which ought to be left to the States.

And going along with that is another tendency directly related to the subject that I referred to—of the cost of government. There has been a disposition to think, apparently, that the locality might relieve itself from burdens of expense by shifting things to the State, and that States might in turn do the like by shifting to the Federal Government. And, so, from a tendency emanating from the place where you would least expect it, we are building up the administrative functions in the State and in the National Government, doing work which ought to be done by purely local administrations.

And the curious thing about it is—the thing which people do not stop to think about—is that the expense of doing that comes right back home to the locality and to the individual taxpayer, and it is much greater than if done in the first instance, where it ought to be done, because the farther you remove the seat of authority from the place where it needs to be exercised, the more you will absorb in administration that you have available, and the less will reach its ultimate purposes.

As an illustration of that, in this city recently the Board of Estimate eliminated from its budget an item of twenty-seven million dollars from the schools and appropriated only enough to run the schools until summer, on the theory that somehow or other the schools would run because they would have to run, and apparently hoping if the locality did not attend to it the State would; and thus undertaking to shift to the State the responsibility of the locality—not realizing that if that rule were to be adopted, and if the State were to undertake the maintenance of our educational system—and it has started in to a large extent to do so—the results would be so far as the City of New York is concerned, that it would not only pay for the maintenance of its own schools, but would help in large measure in addition to that to maintain

the other schools of the State, due to the centralization of wealth and property in this community. And in this tendency to shift administrative work from the localities to the States, and by the State to the National Government, it has not been accompanied in any case by a lessening of either local or State work.

And so the expenses have been pyramided, and expenses have gone on apace as our needs grew, and we have been building up huge administrative agencies, from the municipalities to the State, and to the Federal Government until we have reached a situation in this country where if it were not for the power of taxation, all of our governmental agencies would be bankrupt. And we are only solvent because the power to tax is the power to destroy, and the power of taxation is actually being exercised now to an extent almost of destruction.

And the conclusion, if these statements are sound, would seem to be irresistible—that we need to reverse that policy; and with it has grown up, as a study will disclose to any one, the most remarkable duplication of work by localities and the States and the Federal Government. They now all have agencies undertaking to do precisely the same things, and all at the expense of the poor taxpayer.

Now, that tendency, which I place second to shifting the burden, not realizing that it returns to the starting point every time, that added burden has gone along with the disposition which always exists in any authority, to reach out and to extend its activities.

There is another cause which I think is of very serious import, and that is due really to the humanitarianism of the age, which results in an effort by well-intentioned people to have the State and the Federal Government undertake all sorts of things in the way of ordering the daily lives of the citizens as well as his occupation, and our business affairs, which has resulted in a tremendous centralization of power, beginning at the top.

Now, there are all sorts of projects on foot because of that—because of extensions of Federal power. The extension of Federal power so far as the regulation of interstate com-

merce is concerned, is well and good; and, of course, with the economic tendency of modern times, which is undoubtedly going to be away from competition — which has been thought to be a fetish — and more and more toward combinations, will necessarily involve the greater extension of governmental power through the necessity of regulation.

But in addition to this, and due to this humanitarianism to which I have referred, the Federal Government is also branching out and proposing to branch out in all sorts of ways which have heretofore been supposed to be purely State and local functions. In agriculture, in education, in public health — almost every field — great departments are being created at Washington, and serious proposals are being made in Congress to extend the power and the authority of those departments; and that has been due, I think, to our scheme of taxation in part.

I think the framers of the Federal Constitution were wiser than they knew. Certainly, if they were able to anticipate all that has happened they must have been endowed with most remarkable prescience; and that clause in the Federal Constitution requiring taxation to be apportioned among the States according to population, we are discovering now the unwisdom, in many respects at least, of departing from it.

It may be that an income tax was necessary in order to enable the government to finance the great war; and that may have been its complete justification. But if you develop any scheme of taxation by which one or two or three or a few States will bear the burden of taxation, you will necessarily find, as we are now finding, a great extension of Federal power. And so the Federal Government is building highways — nobody can say but what the building of highways for military purposes at least is a governmental function. It is seriously proposed in Congress now to extend governmental aid to education in a very large measure. Of course, there is precedent for that, because the public lands have been used for the purpose of aiding the States. It is proposed to extend the function of the Health Department. It is proposed even to create a Department of Social Welfare. And, of course, it is very easy to see why that is done when you

reflect that one State alone will pay nearly one-third of the entire cost of maintaining these governmental agencies.

Now, the question of tax is not so important to the lawyer as is the tendency resulting from that sort of concentration to break down State power. Just as the concentration of powers in a State tends to break down local administration; and yet our scheme of government was so framed that local self-government is one of the very foundations of it.

We are accustomed to the Federal postman, but when you have a Federal policeman on every hand enforcing, for example, a sumptuary law; when the Federal Government undertakes to discharge the duty of providing for education, vocational training and home economics, maintaining the public health, promoting agriculture and generally providing social welfare—to do all of the things that are now proposed to be done; if that tendency goes on, it is perfectly obvious that the states as we have known them will exist in form only.

So that this tendency of which I speak has these two important aspects: (1) Bearing upon the enormous cost of government which is so heavily resting upon the shoulders of the people; and (2) tending as it does, to destroy the very structure of our government. And in the States, as well as in the Federal Government, this humanitarian desire to look after the welfare of the citizen has led to the creation of great State departments, which are undertaking to supervise and to direct the life and the affairs of the citizen.

I am not saying, and I do not wish to be misunderstood, that much of the effort in this direction is not justified; but I do want to say that if the State undertakes to put crutches under the arms of its citizens, it will have a population of cripples; that if it undertakes to place a nursing bottle at the mouth of our people, from infancy to the grave, we will have a race of children. And in these tendencies, and with respect to these tendencies to which I refer, it is always important after you have gone a certain distance, to stop and take stock, to stop and see whether the tendency has not gone too far, and, whether after all, the great thing for the State to do is to discharge its true governmental function,

expecting that virile citizenship must result from the struggle which every citizen should have to make, in order to take care of himself.

Now, the tendencies to which I have referred have created another situation which is ominous to students of government. We learned as boys that the separation of the powers of government was an axiom—that the Executive, that the Legislative and the Administrative powers should not be exercised by the same person. Now, that is contested to-day, and there are many publicists who say that that was all right at a time when tyrants existed; that the political philosophy was the result of abuses of kings; that we have them no more, and that it is obsolete. But I do not know that it makes any differences whether the ruler is an individual or a mob. If that axiom ever was an axiom, I think it is as sound to-day as it ever was.

I am speaking now not so much of the struggle for ascendancy between the great departments of government—the Executive and the Legislative—which has gone on through the history of the country, sometimes one being in the ascendancy and sometimes the other, resulting largely from the personal equation which must always be one of dominating factors, but I am speaking of the administrative agencies which we have built up, both in the State and in the Federal Governments, to which all sorts of powers have been delegated. We have any number of agencies, both in the State and in the Federal Government, which prescribe the rule of action, which investigate to determine its violation and which prosecute the violator and impose the judgment.

There are two things about that which in my judgment are decidedly bad. From the standpoint of efficiency you cannot combine administrative functions with judicial or legislative functions, without loss of efficiency in one or both. Either you will have a good administrator who will not have the judicial quality, or will not be interested in the discharge of his judicial functions, or you will have a tribunal competent to discharge judicial functions, and therefore being interested in that, will pay little or no attention to administration.

And so from the standpoint of efficient discharge of these functions it is unsound as a business proposition. And you cannot examine one of these departments to which I refer without coming to that conclusion. And that, too, is one of the chief causes of this problem which I mentioned at the outset, the high cost of government. But to the lawyer, the objection to that thing lies deeper. We are accustomed to believe, and certainly under any jurisdiction such as members of our bar conceive, there never should be combined in one person the function of complainant, prosecutor and judge. And yet that is precisely the situation which you can find disclosed in many of our State and Federal departments to-day; not so much perhaps because the decision of these tribunals really is controlling in law, but because, in fact, they are controlling; because the average citizen does not wish to run counter to their decrees, and so the extent of their power is never contested. We are right at a time, in my judgment, where grave abuses are not only possible, but are actually occurring as a result of the substitution of personal government, or government by discretion, instead of government according to settled principles of law, administered by courts grounded in the principles of law.

Time presses, and I guess I had better come to my conclusion—this is the danger of not having your thoughts accurately and concisely set down—and I will come directly to the conclusion of my observations, which is this: That the great problem of government to-day is to restore the proper relations and the proper equilibrium between local administration, State administration and Federal administration, and to restore the true relationship which ought to exist between the citizen and his government, and the three branches of government.

The President:

The next order of business is the report of the Committee on Law Reform.

Charles A. Boston, of New York:

Mr. President and Members of the New York State Bar Association: Your Committee on Law Reform has had its

report printed, and it is here for circulation. It is wholly unnecessary for me to attempt to read it, or even to summarize those parts of it which do not result in specific recommendations. The Committee was impressed with a phrase in the address of Justice McAdoo before the Association last year, and it has taken the liberty of reprinting that on the cover of its report as an indication, in a measure, of the text by which it was guided. That quotation is:

“The cry of the people everywhere is: Less nice subtleties, less display of intellectual agility in playing chess with the letter of the law, less dependence on precedents that themselves rest on nothing but fictions and old abuses, and instead — Justice, Substantial Justice! Justice and Nothing But Justice.”

Those conceptions of justice may differ, but I think it is probably true that that is the cry of the people everywhere. With those considerations in mind, the Committee has made certain observations upon which it makes no recommendations, but it invites your reflection. It has reiterated some of its recommendations which were made last year, and which, in the hurry of debate, the Association was unable to dispose of. It has disposed of those matters that were specifically referred to it last year, and it has made certain additional recommendations. The report having been printed, I ask that it be received, and then that I be permitted to move the adoption of the recommendations which it contains. In that connection I will make the same suggestion that was made last year, that inasmuch as our time is brief and the recommendations, I fancy, will not be opposed — that is, some of them, and others may meet with a difference of opinion, I suggest that we dispose first of those recommendations which are not opposed, and, if it appears that there is a difference of opinion upon any of the recommendations that their consideration shall be postponed until all of the recommendations in respect to which there is no opposition are disposed of.

George W. Wickersham, of New York:

I rise to make a parliamentary inquiry, Mr. President. I would like to ask the Chairman of the Committee if he has

printed in the form of resolutions the recommendations of the Committee. I have been looking through the report, but I do not find them. I think we ought to have the resolutions in such shape that they can be acted upon seriatim.

Mr. Boston:

I do not understand that the rules of our Association require resolutions to be in the form of specific words; the recommendations are made, in every instance, in specific form, and all we do is to recommend that the recommendations be approved.

Mr. Wickersham:

My inquiry was made because it seemed to be that the recommendations were hardly in proper form for a resolution; but if there are no others, why, we will have to act upon them as they are taken up.

Henry A. Forster, of New York:

Mr. President, I should like to oppose this whole report, and each and every recommendation made in it.

The President:

You will have the opportunity, Mr. Forster. I think it is more logical to take up each recommendation by itself.

Charles A. Boston, of New York:

The first recommendation of the Committee is an approval of the proposed amendment recommended by the Committee on Jurisprudence and Law Reform of the American Bar Association for the clarification of the laws of the United States for the removal of suits from the State Courts to the Federal Courts. The proposed amendment is annexed as Schedule B, and reads:

“Proposed amendment of Sec. 28 of the Federal Judicial Code, approved by the American Bar Association at its 1920 meeting upon the recommendation of its Committee on Jurisprudence and Law Reform:

““In all cases of removal where the defendant is not a resident of the State, district or division of

the district in which it is brought, the District Court of the United States for the proper district shall be the one having jurisdiction in the district or division thereof where suit is brought in the State Court.”

There is no more hotly debated question now to be found in the Federal jurisprudence than the question of the meaning of the words “proper district.” The matter was discussed in our report last year. It has been discussed by the Committee of the American Bar Association, and the discussion has resulted in this effort to define the words “proper district,” so as to set at rest the dispute which is still rife in the Federal Courts.

I move that this recommendation be approved.

Everett P. Wheeler, of New York:

I second the motion.

George W. Wickersham, of New York:

It seems to me that the effort to make it clear has not gone far enough toward success. “Of the proper district.” What district is that? “Shall be the one having jurisdiction in the District where suit is brought in the State Court.” Now, if that is clarifying, I think it better be referred back to the Committee for further work.

Mr. Boston:

There being opposition, unless there is objection, if my former suggestion prevails, this should be taken up after the undisputed matters in the report are disposed of.

The President:

Mr. Forster says he proposes to attack the whole report. So it might be well to take up these recommendations in their order; and I think we better act now upon the recommendation that you have made.

Mr. Boston:

In answer to Mr. Wickersham I would say that words “proper district” are introduced from the language of the present statute, and that it is an attempt to define the

words which appear now in the present statute, and as to which the judiciary have disagreed as to the definition. This particular phrase is the result of a most careful consideration of the subject matter by the Committee on Jurisprudence and Law Reform of the American Bar Association.

George W. Wickersham, of New York:

That is very great authority, but it seems to me that they have not gone as far as they might; and I move that the recommendation be referred back to the Committee for further consideration.

Henry A. Forster, of New York:

I second that motion.

Frank Harvey Field, of New York:

It seems to me that the recommendation is perfectly clear—that the proper district is the one having jurisdiction in the district where suit is brought in the State court. It seems to me that the recommendation is eminently proper and that it would be a very satisfactory solution of the subject.

Charles A. Boston, of New York:

The question which is in dispute in the Federal Courts is whether it is that district or not. Some of the courts hold that it is, and some of the courts hold that it is not. I have made a thorough investigation of the subject, and this appears to me to settle the dispute.

Abraham Benedict, of New York:

I should like to ask whether it is not Mr. Boston's opinion that the vast weight of authority is in favor of the construction recommended by the Committee?

Mr. Boston:

No, in my judgment it is not. The vast weight of authority is to the effect that the definition is a correct one, provided the plaintiff is a resident of the district; but, if both parties are non-residents, that there is no jurisdiction

to which the case may be removed. A persistent and faithful lot of District Judges have insisted upon this provision without that additional qualification, but an additional qualification is insisted upon by the Circuit Court of Appeals in this circuit, and by a number of other Circuit Courts of Appeals. In the Sixth Circuit it is the other way, I understand.

Everett P. Wheeler, of New York:

I am Chairman of the Committee of the American Bar Association, and we argued this very question only day before yesterday before the Judiciary Committee of the Senate, and they asked the same question that Mr. Wickersham has asked. It is not obvious until you take this in connection with the rest of the section. Now, the way it practically comes up is this: A man is sued in the Supreme Court of New York in and for the County of Dutchess, we will say. He himself is a resident of the State of New Jersey. He files his petition in the Federal Court to remove the case. But which of the District Courts in this State should the case be removed to? Under this recommendation it would be removed to the Southern District of New York. The argument in these cases which take a different view is that the man is not a resident of that district, and that the suit ought to be brought somewhere where he is a resident. Some courts have gone so far as to declare that the case should be removed to a District Court in the State where the defendant resides. Therefore, we were met, when we were considering this subject with this contradiction. I think it is fairly discussable how the weight of authority goes. It seemed clear to us that where a suit has been brought in the State Court and the State Court has gotten jurisdiction it is not unjust that it should be removed to the Federal Court which has jurisdiction in the particular county where the original suit was brought.

George W. Wickersham, of New York:

I do not want to insist upon it, but it does seem to me that the language might be made a little more clear. I see what you are aiming at, but so long as we are going to try

and clarify the law, let us make it so clear that nobody can mistake it.

The President:

Are there further remarks? If not, the question is on the motion to refer the recommendation back to the Committee. Those in favor of referring the recommendation back to the Committee will signify by saying aye; opposed, no. The motion to refer is lost.

The question now recurs on the adoption of the original recommendation of the Committee, that it be approved. Are there any remarks? All in favor of doing that will signify by saying aye; contrary minded, no. The motion is carried and the recommendation is approved.

Charles A. Boston, of New York:

The next recommendation relates to the rectification of the hardship resulting from the present loss of citizenship or of civil rights upon conviction for a technical violation of the Federal laws. That subject matter was introduced to this Association two years ago by District Judge Chatfield, who pointed out that a Judge of the United States Court could not suspend sentence upon conviction in a criminal prosecution under the Federal Laws, and that one of the unexpected results was that a man must be sentenced, and, if his sentence was imprisonment, he would lose his civil rights, and it required an application to the President to restore them, with the result that the President of the United States is so overwhelmed with applications of that kind that the Attorney General of the United States has recommended the establishment of a bureau either in the Executive Department or elsewhere, for the consideration of them. Two bills have been pending before Congress, each designed to prevent that result, leaving it either to the jury or to the Judge, as the case may be, to determine whether the loss of civil rights shall ensue in a specific case of conviction. We recommend that the Committee on Legislation of this Association be instructed to direct its efforts towards securing legislation for this miti-

gation of the present harsh effect of the present Federal Penal Laws.

I move the approval of this recommendation.

Miles M. Dawson, of New York:

I was a member of one of the Draft Boards, and we had several instances of this kind, where persons were unable to get into the service because of the loss of civil rights.

The recommendation was duly approved.

Charles A. Boston, of New York:

The next is with respect to the matter approved last year by this Association, and as a result of which we sought to obtain some rule of the Supreme Court of the United States. The subject matter is the provision by rule of the Supreme Court for motion for re-argument, and for correction of mandate within a reasonable time after the adjournment of the term. We were instructed last year to attempt to procure that, and the Chairman of the Committee has been in correspondence with the Chief Justice of the United States on the subject, and the Chief Justice has replied that the hardship due to the absence of a rule such as we have in the Appellate Division in this Department, for instance, and in the Appellate Division of the Second Department, has been brought to his attention repeatedly during the last 25 years, and that there are serious considerations on the other side; but in his correspondence he stated that he proposed to refer the matter to the Committee of Justices which has recently been designated by the Court to consider a revision of certain of its rules. That is where the matter stands now, as I am advised, and the recommendation of the Committee is: "We recommend that this Committee be instructed to continue its efforts."

I move the adoption of this recommendation.

The recommendation was duly adopted.

Mr. Boston:

The principle of the next recommendation was approved last year. It has to do with the enactment of a provision by

statute for the licensing of attorneys from abroad to give advice upon foreign law.

Franklin M. Danaher, of Albany:

Mr. President —

The President:

I do not think Mr. Boston has concluded his report with respect to this recommendation.

Mr. Boston:

The appearance of Mr. Danaher upon his feet leads me to recall that he last year opposed this, but I think I am correct in saying that the Association last year approved the principle. The reason for it was stated in our former report, and it has been borne in upon me much more fully during the past year that our commercial relations with foreign countries have made it highly desirable that there be somebody located in this, the chief city of the Western Continent, who is competent to give advice upon the laws of the countries with which we deal. There are lawyers located here who are now engaged in giving advice upon foreign law; there are distinguished firms in New York with foreign offices, and with foreign affiliations who are now engaged in that practice, and they do not think that they are violating the law, and I trust that they are not, but I know distinguished men, both in England and in France, who have sought, under similar conditions, to establish offices here, and who have been dissuaded from doing so by reason of the fact that they were afraid they might be violating our law if they did so. In order to settle any doubt that there may be about the matter we think it should be regulated by law and that the privilege should be extended after proper scrutiny of the persons applying for the privilege; and the recommendation of the Committee is that we approve of the principle. There is a subsequent recommendation that is substantially a repetition of the same subject matter.

Franklin M. Danaher, of Albany:

I think we have troubles enough of our own with the bar in this State without doing anything to establish the

principle recommended by this Committee. Let me read what appears in this report:

“ Provided, however, that one duly qualified to practice law in any of its branches in any country, or elsewhere in the United States or within its jurisdiction, may advise within New York in respect to the law of such country or place; and, under rules of qualification to be established by the Court of Appeals, may open an office in New York to advise respecting the law of such country or place.”

Now, we have been endeavoring by rule for twenty-five or thirty years to keep out of the New York bar men admitted to practice law in foreign countries by requiring that they must make proof that they were admitted to the bar according to the laws of the country from which they came, that they were there engaged as practicing lawyers for not less than five years; and, of course, subject to the primary provision that they must be citizens of the United States. In the twenty-five years that I have been connected with the State Board of Law Examiners, not to exceed three persons have been admitted to practice law in this State who came from what are known as the Code countries of Europe. The recent war has absolutely destroyed the practice of thousands of men in Poland and in Germany and in France and in other parts of Europe; and the proposition now is to allow them to come here and open up offices in this State, seemingly to give advice upon foreign law, when the real purpose is to afford them an opportunity to make a livelihood here. If we should give them this privilege, how long do you suppose they would stay giving advice upon foreign law? Then, too, how are they to be regulated? Of course, Mr. Boston talks about “ distinguished ” lawyers. But we cannot discriminate between distinguished lawyers and other lawyers who may apply for this privilege, and the result will be that you will open up in the City of New York an avenue for these men to practice law among the thousands of their countrymen that can be found in this great Metropolitan city. We

have too many lawyers already, and I cannot comprehend the point of view of a committee of lawyers advocating openly that a man who has been admitted to practice law in a foreign country shall be allowed to come here and open an office and practice law here, not being a citizen! I think it would be almost criminal to throw open our doors to lawyers from Turkey or Asia or Egypt, all the countries of the world, simply because "distinguished" men desire to open up an office in this State.

Joseph Wheless, of New York:

Mr. President and Gentlemen. I feel very much interested in this subject, endorsed by the Committee in its report, and I wish to add some remarks in support of the recommendation.

The proposition is not at all, as has just been said, to let down the bars to the practice of law in our courts to foreign lawyers located in New York, but to license, and thus fairly regulate and limit to qualified men of good character, a business of great public interest and importance, which exists of necessity among us. Let me state, first, that my own specialty is foreign law. For ten years I have been devoted particularly to this great field of law. I have practically withdrawn from the general practice of the law, for the reason that I have found a field of broad activity in giving advice, and in publishing some works, if you please, on the laws of foreign countries, particularly on the laws of Latin America; and I modestly submit that I can speak with some degree of assurance upon the subject, which here challenges our liberal interest and concerns great business interests among us.

Last year the United States, which for many years, has made every possible effort, both through individual organization and governmental assistance, to develop its foreign trade, enjoyed an unparalleled commerce with the world amounting to over seven billions of dollars. The commerce, gentlemen, goes to every country in the world; it involves the most important elements of business relations with every nation in the world, and great financial

and commercial interests are intimately dependent upon the legal relations which that vast commerce involves, and it is absolutely necessary that capable and expert advice be given daily, in many instances, on this, that or the other point respecting the commercial or other laws of the various countries of the world with which we do business.

In order to illustrate what I mean, if you will pardon personal allusion, I will speak from my own experience to show the public need for competent advices on foreign law. For ten years I have made a specialty, as I say, of giving advice on foreign law. Ten years ago I published a two volume work on the Laws of Mexico, which had great vogue. That gave me the start into a much demanded specialty, and I have spent a large part of my time in this line of work and in trips to Mexico and Cuba and to South America, all in the interests of important American business concerns which needed advice and assistance with respect to the interests that they had in those countries. I may say further, that for fifteen years, I have been one of the associated editors of the Journal of the American Bar Association in its Bureau of Comparative Law, and I have had occasion each year, in the number of that Journal devoted to that work, to review the Legislation of several foreign countries; and let me tell you that there is a great and growing interest—not only a scholarly interest, not only a cultural interest, but a real practical interest, and a necessity for information among lawyers and business men as to what are the laws of these foreign countries with which we in the United States do business.

For instance, a year ago in August, I left St. Louis where I lived, to attend the meeting of the American Bar Association in Boston, and I stopped over in New York for a few days. While here, I received, forwarded from my office, a telegram from one of the largest admiralty firms in this city, asking me to come here to give them advice and assistance on a matter of Portuguese admiralty law involving \$400,000.00. I spent a week here on that matter, and I accomplished what they needed me to do. I mention this as one instance of the

work which, for ten years, I have been called from New York and Boston to the Pacific Coast to do, advising on matters of foreign law, because if I may modestly say, I have acquired some little repute in the matter of foreign laws, and I have traveled all over the United States and to Mexico, to Cuba and South America, time and again, doing foreign law work for American business clients. So when I came to New York a year ago, I dropped in at the offices of a great foreign law firm with whom I had been previously acquainted to pay my respects, and these gentlemen suggested to me that if I wanted to stay in New York and keep real busy in foreign law, there was use in their office for me. I stayed. I wrote my wife that if she wanted to live with me any longer, she would have to come to New York; that I wasn't going back to St. Louis. And so busy was I kept that I did not go back to St. Louis until last August when I went there to attend the meeting of the American Bar Association. Now, the firm that I am associated with is a distinguished firm of foreign lawyers, as Mr. Boston knows, and their entire business is concerned with foreign matters; their business is not at all in connection with domestic matters or the local laws here; and there is a great volume of business in that one firm, consultations and advice given to the leading law firms in this city, and to the most important business houses in New York, and throughout the United States. Men come to us daily to ask advice as to what is the law in regard to this or that important matter in such and such a country. For instance, last week, one of the largest construction firms of this country, came to us with a contract involving seven million dollars with the Government of Brazil, and wanted to know what their rights were under that contract. I examined it and found that the contract was invalid because it failed to comply with certain formalities of the Brazilian law. It was a contract that had been made for the construction of great irrigation works in Northeastern Brazil. Identically similar contracts had been entered into by two or three other large firms of constructing engineers in England. All of those contracts went down under my opinion that they were invalid and these contracts had to be re-executed. This is all to show how all

the time there is a great and growing demand for competent advice on the laws of foreign countries, because upon those laws hang in great degree the international commercial relations and export business of this country, and contracts cannot be made and business enterprises undertaken without knowing what are the laws of the countries wherein these contracts and business enterprises are to be carried out.

The United States occupies a most illiberal and narrow-minded attitude, more so than any other civilized country in the world on this subject. In searching through the laws of this country to find whether or not anywhere it was possible for an alien to become admitted to practice law in the United States, I found not in a single state any such right accorded a foreign lawyer. They must first become citizens of the United States, and, unless they are citizens, however well qualified they may be, they are not permitted, as is here agreed, to do this business. I do not think, gentlemen, that there is another country in the world that has so illiberal a policy.

Personally, I, a foreigner there, have practiced law freely in many of the courts of Mexico, and in the Argentine Republic and in Cuba. Many Americans are admitted and permitted to practice law in Mexico. All the members of my own firm, although Argentinos, are fully admitted members of the English Bar. Every other civilized country permits qualified foreign lawyers to practice in their courts. The question here is not admission to practice law, but simply to license and regulate the giving of office advice on the subject of foreign laws, for which American lawyers are not qualified.

What reason is there, I urge, that capable and well qualified foreigners, lawyers from countries with which we maintain intimate business relations, countries with which we are seeking daily to cultivate more and more friendly and commercial relations, should be prevented, through fear that they will be violating our restrictive laws, from openly and freely in this great commercial city, the most polyglot city in the world, the most foreign city in the world, 80 per cent of the inhabitants of this city being foreigners, why they should be hampered by fear of our law in giving advice to their own

countrymen on their own laws, or to American business men on the laws of foreign countries with which they do great business?

Why should we be so provincial, if you please, as not to recognize and give honorable status to a highly important and necessary, and very honorable branch of legal labor among us, by licensing and welcoming cultured foreign lawyers in our midst, not to practice in our courts, maybe, but to sanction and approve their giving advice as foreign lawyers on foreign laws. Foreign law is not law under the anomaly of our own decisions. Foreign law is a fact, and these gentlemen in giving advice on foreign law are not practicing law. The proposition is not to take down the bars, as I stated before and let foreign lawyers practice law in our courts and hang out their shingle and go into competition with you gentlemen; but it is only to choose the well qualified, by license under our rules, and give them deserved status as useful and honorable adjuncts to our profession in a great field of legal endeavor.

Frank Harvey Field, of New York:

I am opposed to this proposition. I understand that there are foreigners practicing law in this city, men of this character, who advise their fellow countrymen as to the law not of their foreign country, but of our own country, and they actually practice in the courts of our State through clerks or others that are admitted to the bar here, and whom they hire for the purpose.

Now, I do not think it is a question of liberality at all. It is a question of the protection of our own people from that sort of practicing of the law. There is a way in which we can be advised as to the laws of foreign countries. Let these men, if they want to practice law here come here and become naturalized and qualify themselves in the right way to be admitted to the bar. We have in this city many firms with foreign branches who are quite capable of advising on the law of any foreign country. I submit that this would be letting down the bars in a very dangerous way.

Mr. Boston:

I should like to correct two misapprehensions. In the first place the recommendation of the Committee is not contained in the passage which Mr. Danaher has read from the report. It is to be found on a later page, and is in quotation marks, and that is all that we recommend. In the second place we do not recommend that these gentlemen shall be admitted to our bar. There is no thought of that. Our recommendation is that they have a license and that they be strictly regulated, and under that proposition Mr. Field could make as stringent regulations as he chooses, and which he could get the bar of the State to approve. We do not suggest what has been intimated at all. We do suggest that what we conceive to be a need should be supplied. I based my words on my experience, and I did not draw on my imagination for my facts. That is the reason I spoke of distinguished men.

Edmund L. Mooney, of New York:

There is one thing I would like to point out very distinctly. It is very much narrower, and it is important because it is narrower, than anything that has been described; that is, that there is nothing in this recommendation to prevent a learned gentleman from Nevada advising with respect to the laws of Nevada in the State of New York, nor is there anything to prevent a learned gentleman from Oklahoma, or from other favored states, in advising as to the laws of Oklahoma in New York. It particularly says, "one duly qualified to practice law in any of its branches in any country or elsewhere in the United States, or within its jurisdiction." Mr. Boston is quite right in saying that we ought not to be narrow about the thing, and that we ought not to proceed under a misapprehension. And, according to very reliable information which is open to all of us one firm has been very severely criticised for doing exactly what is indicated here or doing something very dangerously near to it. The reason that they have been criticised is that it was felt that men of wealth and standing and distinction should not be allowed to do those things which the little fellows are not allowed to do.

This distinguished firm, who I think we all hold in respect in all particulars except this one, goes gayly on its way and continues its practices.

Now, we need not be afraid of being made a back-borough because we haven't got lawyers here to advise on a subject in Latin America. Of course, we ordinary men don't know anything about that; but it is very easy, and it has always been a fact that certain firms in the City of New York, for the last thirty years to my recollection, have been known to have in their offices men who are quite well qualified to advise upon subjects, matters like seven million dollar contracts and to give very much better advice than some men who have landed on our shores in the last thirty days, or a time sufficiently long to enable them to grow up and become admitted to practice here.

What Mr. Danaher has said with reference to the qualifications of a man to practice law, that he must be intelligent in the law, is a very necessary thing for the good repute of our bar. Let him, in addition to that, be qualified in the way that he can be qualified according to the laws of our State, to advise here on the laws of the country from which he came.

I have spoken of this only because I wanted to indicate in a very practical way what has been going on in this community recently with reference to the laws of foreign countries. I desire to end where I began, namely, that this recommendation ought not to go through under any circumstances in its present form, lest we be absolutely submerged by lawyers from other states, who are neither in sympathy with us in learning, in practice, nor in ethics.

Henry W. Taft, of New York:

I do not want to present this matter in any other than a practical way. I had almost forgotten when the report of the Committee was brought up for consideration that the subject had come to my attention in my day-to-day practice. If the evils which Judge Danaher has suggested were going to come upon us, of course, I should not wish to invite such a disorderly state of affairs, but as a practicing lawyer here I

have had occasion to observe the great convenience, not alone to business men, but to lawyers, of having here in this city lawyers from other countries who are competent to advise concerning the laws of those countries. I very much doubt, and this conclusion I have arrived at from some consideration of it, whether the advising upon the laws of the foreign countries is practicing law within this state, even though the lawyer be located here and maintain an office here for that purpose, provided he announces himself as being exclusively engaged in advising upon the law of foreign countries. I happen to have had occasion to call upon a number of lawyers who are located here. It happens that there is a very distinguished firm from the Argentine Republic that has a branch office here, holding themselves out as advising upon Argentine law. Only recently Mr. Naon, the late Argentine Ambassador to this country, has become associated with a firm of New York lawyers and is advising upon Argentine law. The late ambassador from Mexico, one of the ablest lawyers I ever knew, Mr. Casuta, before his death, some years ago, was frequently called upon to give advice in regard to the laws of Mexico. There have been Cuban lawyers here who have done the same thing. Recently I had an important litigation which involved the law of Ecuador, and it happened that one of the distinguished lawyers of that country was here,—he had been appointed ambassador to England—and I was obliged to employ him to advise me upon the Eucadorian law. I wish there were some Cuban lawyers here now, because I have frequent occasions to seek advice concerning Cuban law. Upon the French law it would be greatly to the convenience of business men in this city as it would be to members of the bar of this city, if we could avail ourselves of expert advice concerning laws of France. I do not believe that is “practicing law” within this State. But some people entertain a contrary opinion upon that subject. I remember some eight or ten years ago being consulted by an Argentine lawyer who desired to open an office to give advice concerning Argentine law in this city, and, having some doubt as to whether he could engage in that occupation, I submitted the question to the Committee on Ethics of the New York County Lawyers Association. I think Mr. Boston was then the Chairman of

that Committee and I think the Committee gave the opinion that that was not practicing law within this State, providing there was no misrepresentation made; that is, that neither upon his business card, nor upon his signs, did he say that he was advising upon anything other than the Argentine law.

I haven't any interest in this matter, but it does seem to me that we ought not to make a recommendation here based upon the supposition that there is going to be such a situation created as Judge Danaher would imagine if this recommendation is adopted. What harm can it do? If any of these men did what unfortunately many members of our own profession do, that is, encroach upon the lines of propriety, surely there will be plenty who will check them and bring them within the law or within ethical requirements. But I do not see why we should not remove the doubt which now perhaps exists in the minds of many of the lawyers as to whether or not these gentlemen who are of unquestioned standing and skill and knowledge of the laws of their several countries, why any doubt should not be removed by some such provision as this, for the provision is hedged about, at least in words, by limiting them to giving advice in foreign laws. If it is found that they attempt to practice law here by giving advice concerning domestic laws or attempting to go into any of our courts to practice law, why, they can be brought to book for it. But that we should be deprived, that the business community should be deprived, of the advantage of being able to get reliable advice concerning foreign laws seems to me to be — I won't say narrow, but not very reasonable.

George L. Ingraham, of New York:

Will you inform us just what status these gentlemen will have who get this proposed license to practice foreign law here?

Mr. Boston:

They will receive a license to do what is specified here, and, before they can receive such a license their character must be looked into and their qualifications fully considered under proper rules to be promulgated.

Judge Ingraham:

Then it is simply proposed that foreign lawyers living here may be consulted as to the laws of foreign countries, and that that is all?

Mr. Boston:

Yes, that is all.

Judge Ingraham:

And the recommendation is made in view of the fact that such advice is now contrary to our Penal Code?

Mr. Boston:

I think there is a question about that. I agree with Mr. Taft. I do know of what is perhaps the most distinguished firm of English solicitors, and a distinguished firm of French lawyers, who were dissuaded from opening an office in this city for fear of doing something that was against our law.

Franklin M. Danaher, of Albany:

Did they want to compete with the lawyers of this city?

Mr. Boston:

No; they had no thought of competing with the lawyers here.

Mr. Danaher:

We do not need any such lawyers here, so long as we have Americans, lawyers of the standing of Mr. Wheless, who can tell us all about foreign laws.

Miles M. Dawson, of New York:

I think if we adopt this recommendation it should be guarded by rules that will prevent the abuse which some gentlemen here fear might grow out of it. Instead of the condition being made worse than it is at present, I think it ought to be greatly improved, because the license that will be given to these men will be subject to revocation, of course.

The recommendation was duly adopted.

Mr. Boston:

The next recommendation has to do with the investigation of the law of marriage and divorce.

We recommend that the Committee on Legislation be instructed to secure the introduction and urge the passage of a measure for the systematic and exhaustive investigation of this subject.

The recommendation was duly approved.

Mr. Boston:

The next is merely a solicitation for sympathetic aid and the attention of all members of this Association to the work of the Committee on Anachronisms in the law. This requires no vote.

The next has to do with the economy and common sense in the publication of legal notices. We make the recommendation that in the absence of a report from the special committee that was appointed to investigate the publication of legal notices, we should repeat our recommendation.

I move that such instruction be given to that Committee.

The Secretary:

This committee has prepared a report which will be presented to-morrow.

The motion was duly carried.

Mr. Boston:

The next recommendation has to do with legislation on a subject as to which we are not advised by the report of that Committee; and, therefore, I move that that stand over either to a later period of this meeting, or that it be made the subject of a future motion.

The President:

That suggestion does not require any motion. It will be passed, as suggested.

Mr. Boston:

The next recommendation refers to the diminution of the volume of unnecessary reports of judicial decisions. We repeat the recommendation made last year, that the Committee on Legislation be instructed to procure the introduction of a measure to accomplish this purpose.

On this subject I wish to say that that was the last pet project of Gen. Thomas H. Hubbard when he was President of the New York County Lawyers Association, and, as a result of his effort a bill was introduced in the Legislature which was passed but was vetoed by the Governor because it carried an appropriation. I am advised that the probabilities are that if the bill was again introduced without carrying any appropriation it would receive favorable consideration. I therefore move that the recommendation made by the Committee be again approved.

J. Newton Fiero, of Albany:

May I ask what are regarded as unnecessary reports, so that we can vote intelligently upon this recommendation?

Mr. Boston:

This has to do with the multiplication of precedents. It is not connected in any way with the suppression of any particular class of reports. There is no such thought in the recommendation. It is a matter that the bar at large throughout the country is fully apprised of, and there are numerous complaints, and there is a Committee of the American Bar Association on the subject. This is in line with an effort not to suppress any particular series of reports or the reports of any particular Court, but to investigate the subject with a view to determining how to diminish the number of precedents that have to be cited in the Court, if it is possible through such an investigation to accomplish that end.

Mr. Fiero:

I think it will be impossible to do that. Thirty years ago that was the difficulty. There were four series of

reports in this State which were unofficial. Now, if you attempt to suppress by any means the publication of opinions and decisions, you will have the difficulty that other reports, unauthorized reports will spring up, and lawyers will be obliged to support another series of reports, as they did thirty years ago.

J. Noble Hayes, of New York:

This matter came up in the New York County Lawyers Association, as Mr. Boston says, and there was a great difference of opinion about it, notwithstanding Gen. Hubbard's interest in the matter, and the objection was just the one that has been stated. If you make a select number of decisions that are to be official, you are going to have law publishers get out full reports of every decision and you will crowd lawyers' shelves with these unofficial reports. I think we had better not move in the matter at the present time.

The recommendation was duly adopted.

Mr. Boston:

The next recommendation relates to opinion evidence of mental competency, and the recommendation is that the action taken last year be repeated. The rule in this State is criticised as a quibble, and is said to be more narrow and more unreasonable than the rule existing anywhere else in the country. The recommendation of the Committee is that the Legislative Committee be instructed to secure the introduction and urge the passage of a bill which will permit the same liberality of opinion from lay or non-expert witnesses as has been found feasible elsewhere.

We recommend that no specific method of disposing of it be taken, but merely that we liberalize our law to the extent which has been found feasible elsewhere and remove the criticism that has been leveled against the peculiar rule in New York. I move the approval of the recommendation.

The recommendation was duly approved.

Mr. Boston:

The next recommendation relates to the elimination of

unnecessary printing in judicial proceedings. This, too, is in a measure a repetition of our recommendation of last year. Our recommendation last year was approved, and that being so, we undertook with the Justices such a modification of their rules that it would not be necessary to repeat the title and the signatures and the verbiage of a summons and all that sort of unnecessary printing in a case on appeal, thus diminishing the actual printing cost of the record. But we have been met both by Judges who had control of the present rules of practice and by members of the convention who formulated the new civil practice rules which perpetuate this difficulty by the statement that their hands are tied by statute which provides for certified copies of specified papers, in the event that the attorneys do not stipulate, and we know that there are many attorneys who, through desire to take advantage of their adversaries will refuse to stipulate.

The recommendation was duly approved.

Mr. Boston:

The next recommendation relates to the prevention of a dismissal of an action in equity where it appears that the plaintiff has a remedy at law. We recommended legislation to obviate this unjust result, contrasting the liberal practice in the Federal Courts with the illiberal practice illustrated in New York in the case of *Jackson v. Strong*, 222 N. Y. We repeat our former recommendation.

I move the approval of the recommendation.

The motion was seconded.

George W. Wickersham, of New York:

Is not that dealt with in the New Practice Act?

Mr. Boston:

Yes, I think it is, but this was written before the New Practice Act had been completed. Perhaps it would be well to pass this.

The President:

Then, that will be passed.

Mr. Boston:

You have had a report this morning from the Committee on Arbitration, without recommendation. The Committee points out that after the passage of the Arbitration Law the enactment of the New Civil Practice Act re-enacted certain provisions of the Code of Civil Procedure which had been repealed by the Arbitration Law as inconsistent. We recommend that the Legislative Committee be instructed to secure the introduction and urge the passage of a bill to repeal certain sections of the Civil Practice Act, reviving the sections of the Code of Civil Procedure repealed by the Arbitration Law. Although we made a specific recommendation to that effect we now find — and I assume that Mr. H. M. Ingram will tell you — that that specific recommendation is not the one that the Joint Committee intend to adopt.

That has already been done.

The President:

Then it is unnecessary to take action upon this.

Mr. Boston:

Except that we approve it.

J. Noble Hayes, of New York:

I think before voting upon that the attention of our Association ought to be called to the experience in England with reference to arbitration acts. There is a little book on the Commercial Court of England which was published a number of years ago, and a copy of which was sent here to the Laws Delay Commission. In that book the history of these arbitrations in England is discussed. They were found so unsatisfactory to English merchants and to the English bar that they formed a court called the Commercial Court of England. The objection was that it unsettled the commercial law of England, and the merchants did not know in advance what relief they were going to have in the case of the violation of contracts. And the matters were usually disposed of by arbitrators upon some amicable principle, very far from the legal rights and the justice of the parties so that it left these

transactions in uncertainty. Therefore, as a substitute for that, they organized the Commercial Court of England. I think we ought to profit by their experience over there in these matters, and not go any further in establishing a system of arbitration that has been tried and found wanting, in England.

Frank Harvey Field, of New York:

I have recently had a very unfortunate experience under the New Arbitration Law. England, as Mr. Hayes has suggested, has a law which provides that questions of law in these arbitrations shall be certified up by the Arbitrators to the Court. Illinois, in 1917, passed a similar law, providing that the Arbitrators may and that they must, at the request of either of the parties—certify up questions of law to the Court. Under this new Arbitration Law, the Court in appointing as Arbitrators in many cases, laymen who pass, within the terms of the submission, upon questions of law as well as upon questions of fact. Now, they know nothing about the law, and we are getting a very large line of decisions from such Arbitrators. It is impossible to tell where we are at in regard to the determination of questions under this new Arbitration Law. It seems to me that the Committee ought to consider the actual result of the law as it is at present and that they should ask for further amendments so that we can have judicial decisions on questions of law that may arise in these arbitration matters.

Mr. Boston:

By way of answer to Mr. Hayes and to Mr. Field I would say that the principal mover of this Arbitration Law was a Committee of the Chamber of Commerce of the State of New York, and that it was incited to that action by the suggestion of the London Chamber of Commerce, as I am advised.

These arbitrations are matters of agreement; there can be no arbitration unless there is an agreement to that effect, and the parties can save their rights so as to avoid the consequences that Mr. Field says have arisen in the actual

practice of the Act. It is a condition and not a theory that confronts us. The Arbitration Law is a part of our law.

Mr. Hayes:

I know what the attitude of the Chamber of Commerce was in 1904, for I was acting as its counsel then. They disapproved of the English system of arbitration, and they approved of the Commercial Court which had been established in England as a substitute for the arbitration system.

Mr. Field:

I have, within a few days, talked with Mr. Julius Henry Cohen, who is at present Counsel to the Chamber of Commerce, and he told me that he strongly urged the insertion of a provision that questions of law should be certified to the Court, but that Mr. Boston and other members of the State Bar Association had opposed it and voted it down.

I should like to get the opinion of the Association upon the propriety of permitting arbitrators in enforced arbitrations passing upon questions of law as well as upon questions of fact, without any possibility of reviewing their acts. Therefore, I move as an amendment to the pending motion, that the Committee be requested to take up again the question of further amending the Arbitration Law by providing, as it is provided in England and as is provided in the State of Illinois, that questions of law may be certified up to the Court at any time, and that, upon request of either party, they must be certified to the Court.

Mr. Forster:

I second that amendment.

The President:

The question is on the amendment offered by Mr. Field. Those in favor of it will signify by saying aye; those opposed, no. The amendment is carried.

The question now recurs upon the recommendation as amended.

The recommendation as amended was duly adopted.

Mr. Boston:

Last year our recommendation for circulation of our report was modified by the Association so as to confine it to the matters approved by the Association; that is, to curtail the circulation to those parts of the report which met the approval of the Association. Now, there were a great many matters in that report which were of an informative nature, and which did not receive the approval of the Association. The greatest demand for that report was on account of the matters which were not republished in the extracts that were sent to the Governor and to the members of the Legislature and to the periodical press. In one case I was asked for a sufficient number of copies of the original report to circulate among all the members of the New Jersey Senate, for the purpose of advising them of the information which it contained upon "Blue Sky Laws." Blue sky legislation was pending or was advocated by the Governor, and the Governor and the members of the Legislature were debarred from getting the information that they desired on the subject by the action of the Association, and all of which information was in that report. Now, if it is the wish of the Association that a similar restriction be put upon the circulation of this report, I have nothing to say, but we recommended, and we do recommend, that the entire report be circulated — with such exceptions as you chose.

George W. Wickersham, of New York:

I would ask what the expense involved would be. If it is not too great, I should like to have it all circulated.

The President:

The question before the house is that this report be circulated to the Governor and to the members of the Legislature and to the periodical press.

Henry A. Forster, of New York:

There is matter in this report, Mr. President, which I would like to discuss — matter which I think would make

this Association notorious from Maine to Georgia, if it is published; and I trust the Association will not adopt it.

The President:

All of those in favor of the motion say "Aye"; those opposed, "No." The Ayes have it and the motion is carried.

Mr. Boston:

I now move to reconsider the vote just taken.

If there is anything in the report which would make the members of the Association change their minds about it, let us know what it is.*

Mr. Boston (continuing):

One gentleman has stated that he was opposed to the whole report of the Committee on Law Reform and would oppose all of its parts. As a matter of fact, I did not notice that he did so. When it came to the proposition to circulate, he said there were things in the report which make it inadvisable to circulate.

Henry A. Forster, of New York:

I mean circulated officially by the Association. I do not object to Mr. Boston circulating the report.

Mr. Boston:

I think the objection was founded upon a provision of the report which has been wholly misconstrued by the gentleman who objected, but the Committee, so far as I can speak for it, has not the slightest desire that this report shall contain anything which is open to such misconstruction, and, as it is not coupled with any recommendation whatsoever, but is merely in the nature of information and suggestion for constructive advice to the Committee at a future date, I ask unanimous consent that that part of the report which appears

* At this point Mr. Boston stated that owing to an imperative engagement he was obliged to discontinue the presentation of the report and to ask that its further consideration be deferred until the following morning. The presentation of the report was resumed at the opening session Saturday morning; but, for the sake of continuity, the proceedings then had relative to the report are inserted here.

under the subject of Housing and High Cost of Living be eliminated, and that there be no official circulation or official publication of that part of the report.

Mr. Forster:

I object to any elimination from the report except by the action of the Association itself. And I will withdraw my objection to the circulation of the report.

Mr. Boston:

Then I move that that part of the report, with the consent of the Association, be eliminated.

Julius Henry Cohen, of New York:

I should very much regret if that portion of our report, which is a lawyerlike analysis of the principles of law that underlie the emergency housing legislation of last year, should be stricken from the report. Such action would be likely to be misinterpreted, and would be taken as an indication that we do not share the views of the Committee on Law Reform.

I ask pardon for referring to a personal matter, but Mr. Guthrie and myself were before the Court of Appeals yesterday and the day before endeavoring to assist the Court to understand the very principles that are set forth in this report as applicable to the Housing legislation. Now, it seems to me that it would be a mistake in these days for lawyers to withdraw the very earnest and careful and thorough consideration of that question which appears in the report of the Committee on Law Reform. If gentlemen have any objection to other portions of the report, which may be misunderstood, that objection may properly be urged; but the principles stated there are sound and we ought not to be afraid to state them publicly, we lawyers.

The President:

The question is on the motion made by the Chairman of the Law Reform Committee. Are you ready for the question?

Mr. Forster:

I should like to be heard against that motion. I should

like to be heard so that the members of the Association may see and understand why it is that I have opposed the report as a menace to the best interests of the bar.

Mr. Boston:

I first asked unanimous consent, and I understood that Mr. Forster gave his consent.

Mr. Forster:

No; I refused it,

Mr. Boston:

My object was to avoid a debate which is founded upon a misconception of the language of the report. I again ask unanimous consent that this part of the report be eliminated, in order that we may avoid a discussion which I know is founded upon a misconception of the language of the report.

The President:

Is unanimous consent accorded?

Mr. Forster:

No, sir; I again refuse.

Mr. Boston:

Then I renew the motion, that this part of the report be eliminated.

The motion was seconded.

The President:

Mr. Boston, will you state your motion again?

Mr. Boston:

In view of what Mr. Cohen has said, I move that so much of the report as appears under the heading "Housing and High Cost of Living" beginning with the words "We, as a community," and what follows down to the end of that paragraph, or to heading "28," be eliminated, as wholly unnecessary to the substance of this report and connected with no recommendation whatsoever.

Mr. Forster:

I would like to be heard on that. This portion of the report should be considered in connection with the 20th recommendation. In 1915, the Association of the Bar of the City of New York adopted —

Mr. Boston:

(Interrupting)—I rise to a point of order. We have not under consideration No. 20 now. When that comes up for consideration Mr. Forster will be afforded a full opportunity to discuss it.

The President:

The point of order seems to be well taken.

Mr. Forster:

If I may be heard then, that will be as satisfactory to me as to be heard at any other time.

The President:

The question, then, before the house, is upon the motion of Mr. Boston to eliminate from the report what appears under heading 27 "Housing and High Cost of Living" beginning with the words, "We, as a community," and down to paragraph 28. As many as favor that motion will signify by saying aye; contrary minded, no. The ayes have it, and the motion is carried.

Mr. Boston:

I will now take up the balance of the report in its regular order, that part of the report which was not treated yesterday. I begin with the additional recommendations which were treated in last year's report because they did not receive consideration by the Association last year on account of lack of time. The first of those recommendations is under the heading "18." "The State as a party defendant in actions to try title." We recommended that that matter receive Legislative consideration, and it did in 1919, a bill passed the Legislature, but it was vetoed by the Governor. There is great hardship in the present condition of the law,

which has been brought to our attention, and which led originally to the suggestion, and it appealed favorably to the Legislature, but, as I say, was vetoed by the Governor. Now, what we recommend is that the Association approve the principle which was formerly recommended, and which was the subject of the bill that was vetoed by the Governor, and that our Committee on Legislation be instructed to secure the introduction of a similar bill and urge its passage—obviating, however, if practicable, the specific objection which led to the Executive's disapproval. There was some objection, I understand, on the part of the Attorney General's office to the sweeping character of the legislation as it passed. I am not fully informed about that, but if there is any way to obviate the Executive's objection, and yet adopt the principle, so as to remove the hardship, the recommendation of our Committee is that it be done and that the matter be taken under consideration by the Committee on Legislation.

The recommendation was duly approved.

Mr. Boston:

The next matter which is brought before the Association for its attention and consideration, without recommendation as to the disposition of the subject matter, has to do with the Law Reforms recommended by the Association of the Bar of the City of New York in 1909 and in 1914. The Association at that time had a very effective Committee on Law Reform, which, if I remember right, suggested more than sixty substantial reforms in our law, mostly reforms of procedure. Its recommendations met with the approval of the Legislature in the main, and the most of its recommendations have become the law of the State of New York, and have resulted very largely in liberalizing our practice; but there were five propositions relating chiefly to the administration of the criminal law, which received the approval of that Committee and the approval of the Association of the Bar of the City of New York, which have never been incorporated into the law, and there are those who think that those recommendations would go a long way towards rectifying the conditions with

which we have been so recently impressed. Mr. Henry A. Forster was the Secretary of that Committee, and he is deeply interested in the subject matter and can present to you the subject much more efficiently than I can, and I ask that he be heard upon those recommendations.

Henry W. Taft, of New York:

According to my recollection and upon a casual examination of these recommendations, this Association has at least twice approved them all.

Mr. Boston:

I was not aware of that.

Henry A. Forster, of New York:

I think you are mistaken, Mr. Taft. This Association has not approved any of them. I have a copy of the report here that has been referred to.

Mr. Taft:

Judge Clearwater, when he was Chairman of the Law Reform Committee, and a subsequent report that I drew when I was Chairman of the Committee, approved most of these recommendations, I am quite sure.

Mr. Forster:

They were all turned down in 1915.

Mr. Taft:

I would like to ask Judge Clearwater what his recollection is about that?

A. T. Clearwater, of Kingston:

My recollection is that the Law Reform Committee, when I was its Chairman, reported favorably upon most of these recommendations and that the Association approved of the Committee's report. There is a change in the phraseology here in the report of the Law Reform Committee, which is somewhat different from the phraseology approved by the Law Reform Committee, and by the Association in 1914. I think it might be well to hear Mr. Forster.

The President:

Mr. Forster, you have the floor.

Mr. Forster.

I will present this from the point of view that I have always been opposed to the Association acting precipitately on matters of importance such as these unless some other Association has considered all the details of them. All I will ask, therefore, will be that each and all of these recommendations, after I shall have discussed them, be submitted to the Law Reform Committee to report aye or nay upon each and every one of them at the next meeting of the Association.

Now, I will read the recommendations from the present report, because they are accurately enough stated there:

“(a) To amend the Code of Criminal Procedure in relation to the trial of defendants jointly indicted so as to provide that they may be tried jointly or separately in the discretion of the Court.

“(b) To amend said Code in relation to exceptions to the rulings of courts on the challenge of a juror, so as to abolish exceptions to rulings on the examination, allowance or rejection of jurors.

“(c) To allow the trial justice in a criminal case, where the defendant fails to justify in his own behalf, to charge the jury that it may consider such failure.

“(d) A blanket or joint indictment, with separate counts”—

Following the United States and Canadian practice—

“when there are several charges against the defendant or defendants for the same act or transaction; or for two or more acts or transactions connected together; or

“for two or more acts or transactions of the same class of crimes or offences.

"(e) The admission of proof in criminal cases of other and different wrongful acts, or of other like acts of the defendant, whether prior or subsequent, such as would tend to show scienter, motive or intent, as evidence of motive or intent in criminal causes.

"(f) The abolition of double writs of habeas corpus for the same cause.

"(g) the forbidding of any threat, or recklessly or intentionally false or misleading statement, by a newspaper which tends or is intended to affect the result of any pending action or proceeding."

Now, as to that. This was an attempt to adopt the salient principles of the Criminal Law of Great Britain, since 1898, and the Criminal Laws of Australia from a somewhat earlier period, and the practice that has prevailed in New Jersey for many years, and that prevailed for a generation in Maine, and the practice that was approved by the United States Supreme Court in the *Twinning* case, 211 U. S., 78, 91, 113-4, which was affirmed by the Supreme Court by a vote of 8 to 1. As to the necessity of doing something to deal with our criminal procedural conditions, I will discuss that from what other people, who have made a special study of it, have stated as a fact.

Mr. Boston (Interposing):

I understood Mr. Forster's motion to be that this be referred to the Committee for a report at the next meeting of the Association; and I desire to second that motion.

The President:

The Chair so understood the motion.

Mr. Forster:

But I would like, Mr. President, to discuss the whole subject, and I understood that I was to be accorded an opportunity to do so, upon the statement that Mr. Boston made when he cut me off on a point of order.

The President:

You can take it up with the Committee, Mr. Forster.

Mr. Forster:

There are over 2,000 members of this Association who are not here, and I submit that they will be benefited by reading what I can state.

The President:

You will have to make it very brief, then, or the Chair will be compelled to hold that it is not germane to the motion before the house.

Mr. Forster:

The Chicago Crime Commission has reported that crime is an established business; that in each of at least two American cities (New York and Chicago) there are each year more murders than in the whole British Isles because they punish crime and we do not.

In the Law Reform Committee's report, in the course of the discussion on the matter of Housing Legislation —

Mr. Boston (Interrupting):

I rise to a point of order that that matter has been eliminated from the report, and therefore should not be discussed.

Mr. Forster.

But Mr. Boston's statement was that I would be permitted to discuss it, and that is what I am proceeding to do.

Mr. Boston:

My statement was that I would invite you to discuss the matter referred to in Section 20.

Mr. Forster:

In the midst of the discussion as to Housing Legislation — with which, by the way, I want to say that I am absolutely in sympathy — there is a remark printed to the effect that the

way to deal with these situations was through what is called the "Spirit of the Vigilante"—

Julius Henry Cohen, of New York (Interposing):

I rise to a point of order, Mr. President.

The President:

The gentleman will please state his point of order.

Mr. Cohen:

My point of order is that this discussion which Mr. Forster is making has no possible relation or reference to recommendation 20.

The President:

The point of order is well taken.

Mr. Forster:

I appeal from the decision of the Chair, on the ground that I do not want this Association to be put on record as advocating vigilance committees and turning down law and order.

Mr. Kellogg:

I move to lay the appeal from the Chair's decision on the table.

The President:

The Chair is not certain that that would be parliamentary,

Mr. Kellogg.

I think it is, sir.

The motion to table the appeal from the Chair's decision was seconded.

The President:

All in favor of sustaining the ruling of the Chair will signify by saying aye; contrary minded, no. The ayes have it, and the ruling is sustained. Now, Mr. Forster, if you wish to discuss very briefly, and will confine your discussion to

what is germane to the matter before the house, I am sure the Association will be glad to hear you; but I suggest that we have important matters here that must be acted upon, and this motion cannot be acted upon now. Your motion was to refer the subject back to the Committee, and it seems to the Chair that it would be much more appropriate for you to present your argument to that Committee.

Mr. Forster :

If that Committee believes in the " Spirit of the Vigilante," then, sir, it would be quite useless for me to present anything to them. The only hope of getting my argument before our absent members is to get it before this Association in its printed record of these proceedings, to show that we are up against the practical difficulty that we cannot get law and order through the existing defective and archaic machinery of the law unless we enforce it through vigilance committees. Throughout all the fight for criminal procedural reform, all over the land, I have encountered the same spirit, that they did not believe in modernizing the practice in accordance with the decision of the Supreme Court in the *Twining* case, but they did believe in what they called Vigilance committees. In another organization, where I brought this matter up, I was astounded at hearing an officer of the organization say: " We know more law than the Supreme Court of the United States "—meaning the decision of the Supreme Court in the *Twining* case. Now, this Committee report is based upon the report of the American Bar Association in the *American Bar Association Journal* on the verdict of a jury in the *Bisbee* deportation case, the idea apparently being that if only that principle could be extended more encouragement would be given to vigilance committees. Indeed, the leader of the largest vigilance committee, one whose headquarters are situated in the South, says that he has 100,000 members, of whom 5,000 are in this city, and that they collect, for the purposes of propaganda, a million dollars each year in dues of \$10 from each member, besides large contributions. Every effort that I have made before the Law Reform Committee has been met with a refusal to discuss this —

Julius Henry Cohen, of New York (Interposing):

I again rise to a point of order, and insist that the gentleman is not keeping to the motion that is before the house.

The President:

I hold the point of order is well taken.

Mr. Taft:

I have a very distinct recollection that the Association has twice acted favorably upon the same general propositions that are presented in this report. I have before me the report of the Law Reform Committee which I prepared in 1917, in which I find three of these recommendations reported favorably upon by the Committee, and that report referred to the report of 1915 in which it was stated that they were favorably reported upon then. I submit, sir, that a protracted discussion now upon this subject is unnecessarily occupying the time of the Association. I favor the propositions, without any question, without any qualification whatever, and I think it is one of the burning disgraces of the administration of the Criminal Law in this country that something is not done along the lines suggested in the report of this Committee.

The President:

The question, Mr. Taft, now before us, is on the motion to refer this to the Committee. That is the motion that Mr. Forster made.

Mr. Forster:

I will withdraw that motion in favor of any motion that Mr. Taft desires to offer.

Abraham Benedict, of New York:

Why there should be a reference again to this Committee, when the matter has been twice approved by the Association, I do not see. There is urgent need of Legislative action, and I submit that the motion to refer ought to be voted down, and that we ought to take these recommendations up now seriatim and act upon them, and direct our Committee on Legislation to procure their enactment into law, if possible.

The President:

Mr. Forster has withdrawn his motion to refer, I understand.

Mr. Taft:

Then I move that the recommendations of the Committee, under Heading 20 described as having been recommended by the Association of the Bar of the City of New York, and designated from (a) to (g), inclusive, be approved by this Association.

Mr. Forster:

I will second Mr. Taft's motion.

Mr. Benedict:

I should like to call attention to the recommendation "(f)" which reads:

"The abolition of double writs of habeas corpus for the same cause."

I think that recommendation is somewhat indefinite, and it was doubtless framed before the recent restrictions upon the application of the writ of habeas corpus; and it seems to me unwise that that should be adopted as it is there printed.

The President:

The Chair would suggest that the difficulty arising from our method of transacting business in these meetings, because of the insufficient time at our disposal, causes matters of considerable importance to be sometimes disposed of in a rather perfunctory fashion. Now, it may be that that method is one of the reasons why many of the recommendations of the Association get no further than they do. We had yesterday, and we still have today, matters of the greatest moment that we have got to pass on in just a few minutes. However, I do not know that there is any way of avoiding it.

Mr. Cohen:

I think the observation has already been made that with reference to this matter we have given it several years of study, and I would suggest to Mr. Benedict that he move that

the recommendation which he has read be voted upon separately; and, if he does not care to make that motion, I will.

Mr. Taft:

I will accept that suggestion.

The President:

Then, the recommendation (f) will be voted upon separately, and the others will be submitted first as one motion.

The question is now on the motion to adopt recommendations (a) to (g) with the exception of (f). As many as favor the adoption of those recommendations, as stated by the Chair, will signify by saying aye; contrary minded, no. The ayes have it, and the motion is carried and those recommendations are approved.

Mr. Boston:

Now, I move that the recommendation (f) be approved.

The motion was seconded.

Mr. Boston:

Probably I should say that it is true, as Mr. Benedict has suggested, that the recommendation of the Bar Association antedated the reforms that he has mentioned. There is no inconsistency, however, between this recommendation and those recommendations; they can be made to accommodate themselves to each other, it seems to me.

The President:

All in favor of the motion to approve of recommendation (f) will signify it by saying aye; contrary minded, no. The ayes have it and the recommendation is approved.

Mr. Boston:

The next recommendation is the reiteration of a recommendation that has already received the approval of this Association. It appears under the heading "21, Supreme Court Commissioners." I move that recommendation be approved, as has been done in former years.

The motion was seconded.

The President:

Are you ready for the question?

Mr. Forster:

I would like to state just one thing about that. My recollection is that about 1903, very admirable recommendations of the Laws' Delay Commission on that point were vetoed by the Governor after they had passed both houses of the Legislature, and they were vetoed under circumstances which could only be explained by the fact that the politicians may have felt that they ought to have the nomination of these officers themselves. Now, I am afraid that if you go into this sort of thing, you will run up against the very same difficulty that the Laws' Delay Commission ran up against in regard to the Official Referees.

Mr. Boston:

The reason assigned for the veto of the bill, as I understand it, was that it interfered with the constitutional power of the Supreme Court, in that it was compulsory. That objection has been met by making this bill permissive, so that if the Appellate Division in any Department wishes to appoint standing Supreme Court Commissioners they may do so.

The President:

The question is upon the motion to approve the advocacy of a bill which authorizes, but does not compel, a better system than the present referee system, and that instructions be accordingly given to our Committee on Legislation. All in favor of that recommendation will signify by saying aye; contrary minded, no. The ayes have it, and the recommendation is approved.

Mr. Boston:

The next subject is the Abolition of Imprisonment for Debt on Civil Process. There have been numerous committees of this Association — Justice Hughes was Chairman of one of them — which have discussed this question, and it has been the subject of discussion many times, and

this Association has approved the principle already. The State of New York is behind other civilized communities in this regard.

We recommend that the Committee on Legislation be instructed to secure the introduction and urge the passage of a bill to abolish imprisonment for debt on civil process.

I move the adoption of that recommendation.

Virgil K. Kellogg, of Watertown:

It is very lovely to have entire abolition of imprisonment for debt; it sounds good, but on the Statute as it now exists, except where an order of arrest may have been inadvertently granted, civil arrest can only follow and be based on acts which involve turpitude on the part of the person arrested and imprisoned. Now, I do not know any reason why a man who is guilty of moral turpitude should receive immunity from the very process that is devised to compel the restitution of that which he has unlawfully taken.

Mr. Boston:

I suggest that while it has the aspect of being based upon acts of turpitude, those acts are, as you know, proved by *ex parte* affidavits—in the initial process, at least. I know one business man that told me that he had no hesitation whatever in making an affidavit on any occasion that a man who did not pay him a bill which he had contracted with him to pay, had contracted it wilfully and in fraud. Now, it is because it is an *ex parte* application, and not subject to the proper processes of investigation and cross-examination—that much of the harm is done, certainly where an arrest is made before judgment is obtained.

Virgil K. Kellogg, of Watertown:

Of course, that merely refers to where an order of arrest is granted—not to imprisonment, because the imprisonment could only follow after judgment.

Abraham Benedict, of New York:

In view of what Mr. Kellogg suggests, I would say that a reform of this kind would be sweeping away the legisla-

tion, local, perhaps, to this city, which makes persons who do not pay small judgments for wages, for personal service, subject to body execution; and I think Judge Hughes' society—the Legal Aid Society,—would agree that where such a remedy is taken away, it would be impossible in many circumstances to collect these numerous small judgments.

Adelbert Moot, of Buffalo:

I know that in Buffalo, in the matter of collecting small debts, servants' wages and tradesmen's bills and so on, it has been found that some of the aid societies were kept pretty busy. I know that the women's organization was kept very busy in the matter of the collection of servant's wages.

Now, I think the report of this committee is sound in general, but when we talk about abolishing imprisonment for debt, I think the remedy that they have in this city, and in Buffalo, ought to be excepted.

Mr. Boston:

I am perfectly willing that it should be excepted. Therefore, on behalf of the Committee, I will recommend that the Committee on Legislation be instructed to secure the introduction, and urge the passage of a bill abolishing imprisonment for debt on civil process; but with the proviso that this recommendation does not include the abolishing of the present provision for the enforcement of the rights of employees working for wages.

Henry A. Forster, of New York:

How do you propose to deal with such cases as contempt which consists in the refusal of a party to pay over money as ordered by the court?

Mr. Boston:

We do not consider that this has anything to do with contempt proceedings. However, if there is any doubt about that, I will ask that that also be excepted.

Adelbert Moot, of Buffalo:

With the statement of the Chairman of the Committee that he will except the present provision for the enforcement of the rights of employees working for wages, I will second the motion that the recommendation be approved.

The President:

The question, then, arises upon the motions to approve the recommendation of the committee as amended. Are you ready for the question? As many as favor it will signify the same by saying aye; contrary minded no. The ayes have it, and the recommendation is carried.

Mr. Boston:

The next recommendation is under the heading, "23." We repeat our former recommendation that this practice, so successful in New Jersey, should be adopted in New York. We recommend, however, that the necessity for it has been, in a measure, obviated by the very liberal provisions in the new practice act and rules. We recommend that the practice of addressing interrogatories to the adverse party, which is now a part of the law of New Jersey—and we are advised that it works well—be introduced into the law of New York to complete the reform in that respect, which has been partially effected by the new civil practice law and rules.

The recommendation was duly adopted.

Mr. Boston:

The next recommendation is under the heading of "24," Voluntary diminution of Civil Jury trials.

We repeat our recommendation of legislation designed to encourage this result. The economic cost of unnecessary jury trials is sufficient excuse for this step, whatever may be the Constitutional aspects of the preservation of a civil jury as an institution.

In this connection it is interesting to find that the people of Ontario have come to the view that a jury is not necessary in most cases; and that where there is a jury there is not a general verdict in one case in ten; that the percentage of cases tried by a jury is constantly diminishing; that the saving of

time is enormous, doing away with opening and closing speeches to the jury and the Judge's charge; and that time is saved in avoiding all of the petty practices ordinarily resorted to for their supposed effect on the jury.

Assuredly the economic advantages of diminishing the number of jury trials are obvious; and if a population like that of Ontario can voluntarily to a large extent abandon jury trials, the people of New York can fairly consider the economic aspects of the problem and act thereon without regard to the fact that it is the "palladium of their liberties," crystallized as a refuge in their Constitution.

The motion was seconded.

Mr. Forster:

Under the present English practice it has been done almost as much as it is in Ontario. In Ontario they have very nearly abolished juries in criminal trials, also, by the consent of the defendant; and the practice has worked very well indeed there, as I am informed.

The recommendation was duly approved.

Mr. Boston:

The next recommendation is under the heading of "25," Revision of the Rules of Evidence.

We recommend the legislative investigation of our law of evidence, with a view to shape it so that it may contribute to a greater degree than at present to the ascertainment of truth when under investigation in Courts of Justice. Many of the peculiar developments of the law of evidence first applied to specific cases, and then through the application of precedent unduly extended, are no longer in conformity with rules of reason, and do not contribute to the primary purpose of rules of evidence. Especially is this true of rules respecting privileged communications and those derived from statutes extending the rule of sentiment into the domain of law.

Peculiar rules, like the limitation of phrase in which opinions of mental competency must be elicited from non-expert witnesses, are severely criticised, as non-conformable to the habits of life or the investigation of truth.

We are of the opinion that an intelligent and painstaking investigation of artificial rules of evidence which encumber the ascertainment of fact, would be of great advantage to the due administration of justice in New York. Anyone who examines Mr. Wigmore's Pocket Code of Evidence and finds authorities arrayed upon both sides of a rule which can have but one object, and that in the forum of reason, must be impressed with the necessity of such a study, especially in those cases, which are not infrequent, where the line of his reasoning points to the conclusion, which he often states, that the true rule is not the accepted law anywhere.

We accordingly recommend such a legislative investigation as well fitted to necessary progress in conforming the practice of courts to a reasonable and just administration of right.

In this connection I will say that I pointed out yesterday that bills for these investigations, which carry appropriations in passing, have not met with much favor in the Legislature, but we point out that great social questions, which are designed to bring about the administration of justice, and to bring it into harmony with the views of the people who are crying for such reforms, do not make it necessary that such bills shall carry appropriations.

I move the approval of this recommendation.

The recommendation was duly approved.

Mr. Boston :

The next is under the heading of "26," Remodelling of the rules respecting the suspension of the Power of Alienation. It is necessary for me to read to you two paragraphs to explain the situation.

In the whole history of litigation, it seems probable that no one subject has been so prolific of dispute or of uncertainty in actual application as the law respecting the undue suspension of alienation. It was doubtless a substantial reform which was accomplished by the Revisers of 1828, when they reduced the measure of limitation by lives to two lives instead of many.

But the uncertainty of two lives is such an indefinite measure in point of duration, that though convenient in

enabling a testator to provide for particular individuals, it has no excuse as a fixed period. There seems no substantial reason why, as in New Jersey, without changing the present rule in any other respect, suspension for a fixed period not to exceed 21 years should not also be allowed.

I move its approval.

The motion was seconded.

Mr. Forster :

I understand that there are only two states in the Union — New York and Wisconsin — that have the two life suspension. I think the evil is ten-fold greater than Mr. Boston has stated.

The recommendation was duly approved.

Mr. Boston :

The next recommendation comes under the same heading, and is a cognate, but not a precisely similar, subject matter. It has been brought to our attention that owing to our law against accumulation it is regarded in some circles as impracticable for testators to provide that extraordinary dividends upon stock in his estate shall be regarded as principal and not as income. The law is uncertain. The courts have wobbled. Where they hold that the law adds the extraordinary dividend to the principal the rule against accumulation is not violated, but it calls for a great deal of litigation that would not be brought before the court if the testator could provide in such instances that extraordinary dividends be added to the principal of the estate and regarded as such without a judgment of the court that a part of such dividend is principal. The recommendation is that the Committee be instructed to give further consideration to the subject and report at the next annual meeting whether it is desirable or feasible to introduce a statutory rule, or whether the law against accumulation should be amended.

The recommendation was duly approved.

Mr. Boston:

The next recommendations concern the matters which were referred to the committee as a result of the addresses delivered at the last annual meeting of this Association. The only one of those matters upon which we find it necessary to make a recommendation, as I approach them are, the recommendations of the Hon. Francis M. Hugo, Secretary of State, respecting corporations. His first recommendation, which we approve, is for such an amendment of the Corporation Laws as will permit the organization of a business corporation not a transportation corporation as a navigation company (reading the recommendation made by Secretary Hugo last year). Mr. Hugo stated in his address the economic disadvantages of corporations in New York, a seaboard state, being in competition for coast-wise commerce owing to the illiberality of our law, which makes navigation companies transportation companies and subjects them to all the rigidity of that law, whereas other states and communities give the right so that business corporations can be organized for the same purpose.

We advise that the Association approve the principles of his recommendation.

The recommendation was duly approved.

Mr. Boston:

The next recommendation of the committee has reference to a practical and expeditious method of clearing out the names of dead corporations from the official records in the Secretary of State's office. You will remember the difficulties of the present situation, which were disclosed in Mr. Hugo's address. It has become a great burden both to the people of the state and to the office of the Secretary of State.

We advise getting rid of this nuisance of dead corporations and dead corporate names, as suggested by Mr. Hugo.

The recommendation was duly approved.

Mr. Boston:

The next has to do with a suggestion from the committee that a matter (32 Judicial Correction of Judicial Error) be taken from the table which was tabled last year, but, in view of the great amount of time already expended in the consideration of this report, I do not make that recommendation at the present time.

Albert S. Bard, of New York:

May not this be referred back to the committee?

Mr. Boston:

There will be no objection on the part of the committee to that.

Mr. Bard:

Then I make that motion.

The motion was duly carried.

Mr. Boston:

The next recommendation relates to wilful fraud by sureties.

The decision of the Court of Appeals in *Dollard v. Koronsky*, 199 N. Y., 559, to the effect that it is not punishable as contempt of court for sureties to so dispose of their property as to render impossible the enforcement of the liability assumed by them, seems to us to point to the desirability of legislation to effect the results which were rendered nugatory by the views of the Court of Appeals.

The recommendation was duly approved.

Mr. Boston:

The next recommendation is that the Association institute a committee upon the Law of Aviation. There is no subject upon which the law is so vague or hazy or undetermined.

Mr. Cohen:

(Interposing)—Or up in the air.

Mr. Boston :

Yes. The American Bar Association has recently instituted such a committee, and the New York County Lawyers' Association has approved such a committee.

The recommendation is that this Association institute such a committee to co-operate with other similar committees.

The recommendation was duly approved.

Mr. Boston :

If the Association consents, I desire now to withdraw the motion for reconsideration of the determination by the Association yesterday that this report be circulated.

Mr. Forster :

I second that motion.

The President :

That may be done without a motion. It will be so ordered.

REPORT OF COMMITTEE ON LAW REFORM.

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REPORT OF COMMITTEE ON LAW REFORM

To the New York State Bar Association:

The Committee on Law Reform reports as follows:

INTRODUCTORY

In its report of 1920 this Committee observed that an opportunity presents itself for leadership in the formation of a safe and sound public opinion in respect to the new problems, an aftermath of the war, which from a survey of the world, are obviously of more than local importance.

It was said:

“The organized legal profession is equipped by experience, by education, by knowledge to guide the people to a proper determination.”

The problems which were then pressing are no less pressing now, and they still need the same guidance for which the legal profession is so equipped.

In surveying this field the Committee then made certain recommendations and in other instances merely invited attention to the problem in the hope of engaging the mind of the profession in its solution. Since then certain of the problems have become more acute and especially the question of prop-

erly housing the population. While such questions are primarily social and economic, the development of their solution along the lines of past legal history, with the aid of minds schooled in the traditions of such history, is very apt to prove more efficacious than an uninstructed leap prompted solely by an emotional impulse. Even in the solution of the problem of dealing with the needs and the rights of returned soldiers, that intelligence which is educated in the history of this age old and ever recurring question is much more apt to find an adequate solution, than those who uneducated in the errors of the past, are prone to follow the same emotional impulses into the same hidden pitfalls.

It is now unnecessary to repeat the same arguments which were put forth in the former report; we shall be content to enumerate the recommendations and to restate the same generalizations. The former report was received by the Association under circumstances which precluded any discussion of its recommendations. The Association by the vote of members present deemed the discussion of the action of the legislature in respect to its Socialist members of such pressing importance that the opportunity for the discussion of the report of this Committee was denied. The Committee therefore brings forward again, such of its recommendations and observations as received no consideration at the last annual meeting. Certain of its recommendations at that time received the approval of the Association. To these we shall first advert, for the purpose of stating the results.

RECOMMENDATIONS APPROVED AT THE ANNUAL MEETING OF 1920

The Committee's recommendations which were then approved, together with the subsequent history are as follows:

1. The clarification of the laws of the United States for the removal of suits from State to Federal Courts; with a statement of the principles which should be observed.

We append hereto as SCHEDULE A. the resolution adopted at Boston on September 2, 1919, at the Conference of Delegates from State and Local Bar Associations, and as

SCHEDULE B. a proposed amendment to section 28 of the Federal Judicial Code which was approved by the American Bar Association at its annual meeting in St. Louis, in August, 1920, on the recommendation of its Committee of Jurisprudence and Law Reform.

We now *recommend* the approval of the proposed amendment, and that the Special Committee on Amendment of Procedure in the Federal Courts be instructed to cooperate with Committees of other Associations in working to the desired end.

2. The rectification of the hardship resulting from the present loss of citizenship or of civil rights upon conviction for a technical violation of Federal laws.

The Association approved the principle that the jury should determine (or in the absence of a jury, the judge), whether the sentence should include such a result.

A bill to accomplish the general purposes of this recommendation, by providing that no such loss of rights should be incurred unless imposed by the verdict of the jury or the sentence of the Court was introduced in the United States Senate. (U. S. Senate 1918, 4774). Another bill (H. R. 4439) was pending in 1919.

United States District Judge, Thomas I. Chatfield, of the Eastern District of New York, introduced the subject to the attention of this Association at its annual meeting in January 1919; he has earnestly advocated some mitigation of the present hardship, which is an indirect result of the determination of the Supreme Court of the United States (*Ex parte United States*, 242 U. S., 27) that a judge of a United States Court has not the power to suspend, but must impose, sentence after conviction.

We *recommend* that the Committee upon Legislation of this Association be instructed to direct its efforts toward securing legislation for this needed mitigation of the present harsh effects of the federal penal laws.

3. The provision by rule of the Supreme Court of the United States for motions for reargument and for cor-

rection of mandates within a reasonable time after the adjournment of the term.

This *recommendation* was approved by the Association; at present the Court has no rule upon the subject for the guidance of Counsellors, or practitioners before the Court, except Rules which require action during the term.

The present practice, as we are advised, is based upon the technical theory that after the adjournment of the term the parties are out of Court, and that no motion of the sort mentioned will be heard after the Court takes its formal adjournment for the Summer vacation at a movable date, usually in June. Our attention has been directed to hardships caused by the enforcement of this technical rule, where parties and counsel are not advised either of the decision of the Court or the form of its mandate in time to move for relief within the term.

Other appellate tribunals make provision by rule for such motions during the early part of the following term (e. g. Rules—Appellate Division N. Y. Supreme Court 1st Dept., Rule VIII; 2d Dept., Rule XXI). In our opinion such a great Court should be induced to make its rules of practice conform with enlightened liberal advances for the doing of justice.

The Chairman of this Committee has brought the previous action of this Association upon the subject to the attention of the Chief Justice, who states that he will lay the Communication before the Committee on Rules of the Court at an early day. He states that the subject is not a new one, but he has been called upon to consider it for the last twenty-five years; that the evils are quite manifest but the considerations from the other view are also of a very grave character.

We *recommend* that this Committee be instructed to continue its efforts.

We shall speak below of another technical rule of Federal Practice, which works hardship, and, in our opinion, is now wholly unnecessary and highly technical and not generally known, and should be modified. (*Infra*, p 40).

4. In lieu of proposed legislation to amend the Penal Law of New York respecting the practice of law (which was submitted for the consideration of this Committee at the annual meeting of 1919, but has not become law), that we be authorized to instruct the Legislative Committee to procure the introduction and passage of a bill

penalizing holding out in any way whatsoever as a lawyer, or maintaining an office as a lawyer, or giving legal advice for compensation, or making it a practice or business to give legal advice,

unless duly admitted to practice law as an Attorney and Counsellor at Law of the Courts of Record of the State,

provided, however, that one duly qualified to practice law in any of its branches in any country, or elsewhere in the United States or within its jurisdiction, may advise within New York in respect to the law of such country or place; and, under rules of qualification to be established by the Court of Appeals, may open an office in New York to advise respecting the law of such Country or place.

Our recommendation was approved by the Association. But our instruction, which we were authorized to give, brought to light a weakness in our organization which should be rectified.

THE PREPARATION OF LEGISLATIVE BILLS

This Committee with its large membership scattered through every judicial district of the State is not equipped for the formulation of bills. It was the theory upon which the report of 1920 was drawn, that this Committee should discuss general principles and not advocate particular texts. In our opinion the initial step in all law reform should be the settlement of principles and not the formulation of specific statutes. Until we learn the attitude of the Association upon the principles advanced, it may be waste effort, too apt to be injurious to the proper discussion of fundamental principles, to formulate bills for discussion by an Association. A large body is ill adapted to the proper framing of specific legislation; this is work requiring such critical care that it can not

be adequately done in promiscuous debate; and when previously framed it is too apt to divert discussion from principle to phrase.

In our opinion the desirable procedure save in rare instances, is for this Committee to propose reforms upon principle; and for the Association to discuss and recommend the principle; and then for properly skilled draftsmen to formulate a bill; to be advocated, under the instructions of this Committee by the Committee on Legislation acting under its authorized power. (By-law VIII, b).

Our difficulty last year was that we had no such arrangement; we could not properly frame the bills in advance; the Committee on Legislation was newly formed; the Legislature was well advanced in its session; one of its houses was largely occupied with business which precluded to a certain extent legislative activity; and the Committee on Legislation had no facilities for drafting bills.

In consequence no bill on this subject was introduced.

OUR ARRANGEMENT WITH THE BUREAU OF LEGISLATIVE DRAFTING

This Committee has now completed arrangements with the Bureau of Legislative Drafting of Columbia University to make tentative drafts of bills to carry into effect all of its recommendations which may be approved by the Association; and which may be quickly completed upon the adjournment of the annual meeting of the Association and placed in the hands of the Committee on Legislation under instructions which we are empowered to give (By-law VIII b).

Thenceforward the duties in respect to the bills will devolve upon the Committee on Legislation.

THE COMMITTEE'S EXECUTIVE COMMITTEE

Our difficulty, however, will still be that until the Law Reform Committee has itself reached a conclusion, it will be impracticable for the Bureau of Legislative drafting to proceed finally. And the Law Reform Committee under the Constitution is so large and so widely scattered that it is practically impossible to secure a meeting of a majority of its

members, at least until the joint meeting with the Executive Committee which is taken up with determining the outlines of the program for the annual meeting.

We have endeavored to obviate this difficulty in a measure by the selection of an Executive Committee, of one member from each of the nine Judicial districts of the State, but to get a majority of these to assemble for a meeting is itself a difficult task; and correspondence does not bring out that interchange of ideas, which face to face discussion provokes.

We hope, however, that the device of an Executive Committee of the Committee which was only utilized for the first time immediately prior to the annual meeting of 1920, may be usefully and efficiently developed.

In our last annual report we said, and we now repeat: .

ADVICE ON FOREIGN LAWS

"This Committee has no criticism of the statutory confinement of the practice of law to lawyers; but it does most earnestly commend to the consideration of this Association the advisability of so shaping our laws that it may not be unlawful for duly accredited foreign lawyers to establish local offices for giving advice in foreign law, nor for lawyers from other States advising in New York in respect to the law of their own States."

We again *recommend* the approval of this principle.

We pointed out, and we again do so, that the intimate relations with foreign countries during the war, which resulted in the temporary location in this country of foreign lawyers to advise High Commissions from their own countries, also resulted in a desire of foreign lawyers to establish branch offices in New York City to advise their clients in respect to foreign law; and that in the opinion of the Committee this relation should be cultivated and not destroyed by unfavorable legislation.

We again *recommend* the approval of this principle.

5. The legislative investigation of the whole subject of marriage and divorce.

This Committee in 1920 was not agreed upon the remedy; nor was there any substantial agreement with the views of its Chairman, which were separately printed and circulated with the report by direction of the Committee, and subsequently appeared in the January, 1920, number of "Bench and Bar" and the July-August, 1920, number of the American Law Review.

The Committee in presenting these views to the members of the Association for consideration and reflection, did so, to the end that some just solution of the problem of legislation might ultimately be reached by a preponderance of sentiment.

The discussion of the subject was prompted by the appearance during 1919 of the Report of the Bureau of the Census of the United States upon Marriage and Divorce; the first report of its kind since 1906. This report conclusively shows that despite present legislation, the increase of divorce excessively disproportionate to the increase of population is manifest; and notwithstanding the limitation of divorce in New York to one cause, divorces in New York during the decade from 1906 to 1916 showed substantially a like increase with the rest of the country notwithstanding the more numerous causes elsewhere. The figures in the Census report show that the number of divorces in New York for the single cause is greatly disproportionate to the number elsewhere for the same cause. In New York, where the one cause is adultery 100% of divorces is for adultery; in the entire United States only 11.5% was for adultery; in New York the proportion of divorces for adultery during the decade was 27.5 in 100,000 of population; in the whole country 13.3 per 100,000. This and other comparisons of figures in the report suggest the reflection that while the marriage tie is not set aside lightly in New York, and the sentiment of her people as manifested in her legislation is rigid and inflexible, making for the highest legal standard of marital fidelity; the narrowness of the law provokes the offense as an excuse for divorce which might be obtained elsewhere upon more liberal grounds.

The complexities of the marriage relation, and the conflict of personal and property rights growing out of conflicts of laws and variations of standards among the States, present

doubtless the greatest confusion that can be found in American Law, and frequently result in the greatest hardship to innocent persons through a mistaken idea of legal rights; they promote new unions, subject the innocent to subsequent marriages which are null and void and liable to collateral attack, while they make for illegitimacy of the offspring of marriages contracted in good faith; the ordinary mind uneducated in the intricacies of the law cannot conceive the incidents of our law of marriage and divorce, with its attitude toward divorces apparently valid, but voidable or void for lack of personal service or appearance; while marriages deliberately contracted across State lines in defiance of decrees prohibiting remarriage remain valid and the offspring legitimate.

It has been now 14 years since the Governor of Pennsylvania, pursuant to a law of that State, called the first Congress to consider the subject of marriage and divorce. The recommendations of that Conference to Governors and State Legislatures conceived in reasonable liberality and hopeful of uniformity and of the diminution of the so-called divorce evil, have proved very largely ineffectual; the statistics of the intervening years, compiled by the Bureau of the Census and published in the summer of 1919, prove the futility of dealing with the subject without complete regard to the factors whose existence is reflected in the figures compiled from experience.

In our opinion no greater service can be rendered to the people of the United States than an intelligent, unemotional investigation of the whole subject by a properly instituted investigating body, under the auspices of the State, which will investigate the facts and make recommendations not for futile or purely sentimental laws of repression, but for salutary laws designed to aid in the adequate solution of the serious problem which is a result of modern changed conditions of living.

We *recommend* that the Committee on Legislation be instructed to secure the introduction and urge the passage of a measure for the systematic and exhaustive investigation of the subject of laws relating to marriage and divorce with especial regard to the present problems of social existence

and family life, of conflict of laws, of the varying laws of the several States, of the theories of legal process upon which decrees of divorce are granted, of the remarriage of persons divorced in one State, though the decrees be invalid in another, of persons married elsewhere in defiance of local decrees of prohibition and of the property and personal rights of the innocent and mistaken.

6. The designation of a Special Committee of this Association to study Anachronisms in the law of this State, pursuant to the recommendation of the Conference of delegates from State and Local Bar Associations in 1917, for a systematic endeavor to secure the elimination of such anachronistic conditions as impede the proper administration of justice and thwart the effective securing of those rights which ought to be secured in accordance with the common habit of the people.

The recommendation of the Conference included a recommendation for

- the efficient organization of the judicial branch;
- the commitment of procedural methods to those responsible for the administration of Justice, the Courts; and
- the systematic study of the actual administration of justice, and of the actual effect of anachronistic legal institutions, rules and documents.

We have already spoken of the substantial benefit which could come to the whole people of the United States from an intelligent, unimpassioned study and report upon the subject of Marriage and Divorce; we know of no second subject, which could be selected for similar beneficial treatment, more likely to result in such benefit than the systematic study by competent men, of anachronisms in our laws, which impede the proper administration of justice and thwart the effective securing of rights which ought to be secured in accordance with the common habit of the people.

The subject of procedural reform, has so recently been agitated in this State, and such remedy has been adopted (Laws 1920, c. 925) after years of discussion and radical

difference of opinion, that it does not behoove us to comment upon it further at this time.

But the Committee of this Association upon Anachronisms in our law, has an opportunity to make a substantial contribution to the progress of jurisprudence.

We earnestly *solicit* for its efforts the sympathetic aid and attention of all members of this Association.

It is too early for us yet to make *recommendations* respecting the results of its labors.

We refer again below (p. 39) to this subject of anachronisms.

7. Economy and common sense in the publication of legal notices.

The disregard of both common sense and economy in present methods of publishing legal notices is notorious; the fundamental reasons are doubtless familiar to all; they lie partly in the preservation of ancient methods, when the opportunities for improvement are apparent; and partly in the profit that comes to special interests from the perpetuation of necessary extravagances.

This Association had formerly a Committee to investigate the Publication of Legal Notices. It has made comprehensive reports, pointing out the abuses, which are already generally known, and suggesting, what we have already characterized as a feasible and economical method of diminishing the expense while securing equal publicity. In 1919 (Report p. 167) that Committee reported that it proposed to continue its work. In 1920 we *recommended* that it be

instructed to complete its labors by formulating and reporting to the Committee on Law Reform or to this Association a bill to carry into effect its suggestions.

Our recommendation received the approval of the Association. We have not at the time of framing this report, received such bill.

In the absence of a report from the Committee in conformity with this instruction, we should repeat our *recommendation* and advise that the Association make it mandatory.

If such report be made and such bill be recommended by the said Committee to the Association

We *recommend* that the Committee on Legislation be instructed to secure the introduction and urge the passage of such bill, assuming as we do, that it will be drawn to embody the principles of economy and publicity, which the said Committee has already indicated to the Association.

In this connection we point out that Chapter. 487 of the Laws of 1920 modified the charges for publication of matters required by law to be published.

8. Suits for Declaratory Relief.

No subject is provoking the attention of lawyers more widely than this. Our previous report quoted from Bulletin XIV (1919) of the American Judicature Society and from the report of the Committee of the American Bar Association (Sept. 1919) upon noteworthy changes in the Statute law commendatory of this reform. We stated that the Conference of Commissioners on Uniform State Laws had a tentative draft of a bill under consideration for suits for declaratory relief; and that such relief had been demonstrated to be effectual in the experience of England (especially during the great war) and Scotland.

We *recommended* that the Committee on Legislation be instructed to secure the introduction and urge the passage of a bill to extend such beneficial results to our system of practice.

Our recommendation was adopted. A bill (Senate Int. 983) was introduced to carry out this recommendation, but was not reported out of Committee. We are glad to report that the substance of the *recommendation* is now embodied in Sec. 473 of the Civil Practice Act, and we congratulate the People of New York upon the adoption of this enlightened policy. We add certain additional information on the general subject.

The first tentative draft of a Uniform Declaratory Judgments Act was the subject of consideration by the Commissioners on Uniform State Laws at their Conference in St. Louis in August, 1920.

The discussion of this advance in remedial law, illustrates the benefits of the Study of Comparative Jurisprudence.

It is stated that this procedural practice, whereby the rights of parties to contracts may be judicially declared for the purpose of guidance, before breach or infringement, and without the award of damages or decree for performance, originated under the Roman Empire, reached Continental Europe, was largely practiced in France, Germany and Austria during the middle ages, was adopted in Scotland, and now is in use in England and Great Britain's Colonial possessions. It has been adopted within the last few years in Florida, (Act 1919 c. 7857), Michigan (Act 1919, No. 150) Wisconsin (Act 1919, c. 242) and New Jersey (Act 1915, c. 116, 57, p. 185).

The Michigan Law, however, has recently by a divided court (six to two) been declared unconstitutional as imposing non-judicial duties upon the judiciary. (*Anway v. Grand Rapids Railway Co.*—Journal, American Bar Association, November, 1920, p. 145.)

A recent Report upon Declaratory Judgments by the Committee on Jurisprudence to the State Bar Association of Connecticut shows that the subject was learnedly discussed by Edward M. Borchard, Professor of Law at Yale University in the Yale Law Journal for November and December, 1918; the Association ordered these articles reprinted and sent to each member. It is stated that the procedure has been used in England with constantly growing favor since 1883, and that two-thirds of the present cases in equity are brought for a declaratory judgment.

The report says:

“Instead of converting their litigation into a hostile battle, it enables parties to entertain an honest difference of opinion as to their rights, particularly under written instruments, and to obtain a declaration thereof without becoming enemies and undergoing a long expense and piling up damages after the contract has been broken.”

It states that they were part of the Jurisdiction of Rome, and are found now in the Jurisprudence of France, Germany, Italy, Spain, the Countries of Spanish America, Scotland and

England, Michigan and Florida, and have been recommended by the Bar Association of California.

The article by Edward M. Borchard, Professor of Law in Yale University, referred to in the report, was published in the Yale Law Journal for November and December, 1918, and entitled "The Declaratory Judgment—A Needed Procedural Reform." He refers to additional articles in 16 Mich. Law Review 6, and an article upon the Scotch procedure in 41 Law Magazine, 173 (1849) and to many illustrative English decisions and he traces its development from the Roman law, through the Roman Civil law of the Middle Ages into modern practice.

At the Annual Meeting, 1920, of the American Bar Association, in presenting the report of its Committee on Jurisprudence and Law Reform, Thomas J. O'Donnell, of Colorado, said upon this subject:

"The Committee also recommend the bill authorizing the Courts of the United States to enter declaratory judgments. The subject of declaratory judgments perhaps being new to many members of the Association, I may say that the purpose is to enable parties between whom a controversy has arisen to submit the same to the court before any breach by one of the contract between them, as construed by the other party has occurred. The case is not uncommon where the parties differ as to their respective rights and a controversy on that subject has arisen between them, but there has as yet been no breach, so that under the existing system no cause of action has arisen. When the common law and chancery courts were consolidated into one High Court of Judicature, rules were adopted which enabled full declaratory relief to be given. Rule 5 of Order 25 read:

"No action or proceeding shall be open to objection on the ground that a merely declaratory judgment or order is sought thereby, and the court may make binding declarations of right, whether any consequential relief is or could be claimed or not."

"The Committee has therefore recommended for adoption the passage of an Act of Congress amending the

Judicial Code, as you will see by reference to our report which is here in print."

and Charles Evans Hughes, of New York, said:

"Of course, the suggestion with regard to the authorization of the court to enter a declaratory judgment in no way affects the fundamental principle involved with respect to the presence of parties, and the binding effect of judgments when rendered. It would be a vain thing for Congress to attempt to bind a party by a judgment when that party has no opportunity to be heard. All that is intended is that when the parties are before the court, who are the parties to the controversy, when all those who have any interest are before the court, in accordance with the normal and familiar practice of bringing parties before the court, the court shall have power to declare the rights of the parties under an instrument; that is, to declare what the law is with respect to matters of construction, for example, which will bind those who would be bound by any judgment in a case within the categories now familiar where judgments are rendered.

"Whatever may be said as to the propriety or desirability of such a change in practice, the point that any body will be injured in that way cannot be regarded as well taken, as it seems to me.

"With respect to the advisability of the practice, there has been a great deal of discussion. The very familiar practice in England, under the rules to which Mr. O'Donnell has referred, is well known to everybody. New Jersey has passed the act, and there have been learned articles in the law reviews with respect to the desirability of the practice. The point is that if parties have controversies as to some instruments, and they wish the law with respect to their respective obligations declared, nothing shall stand in the way of the court rendering what may be called a declaratory judgment."

9. The diminution of the volume of unnecessary reports of Judicial decisions.

We *recommended* that the Committee on Legislation be instructed to procure the introduction of a measure to accomplish this purpose; our recommendation was adopted. We are not aware that any steps were taken.

We repeat this *recommendation*.

10. Opinion evidence of Mental Competency.

We recommended that the Legislative Committee be instructed to secure the introduction and urge the passage of a bill, which will permit the same liberality of opinion from lay or non-expert witnesses as has been found feasible elsewhere. We are not aware that any step was taken.

We pointed out that the present law of New York on the subject has been severely criticised as a quibble (Wigmore, Pocket Code of Evidence, par. 1434).

The present mode of eliciting opinion evidence, so far as founded upon the hypothetical question, commands no popular respect, and is frequently an excellent illustration of an utter absurdity. The hypothetical question to elicit opinion evidence has its uses; and its abuse as so illustrated could be rectified, in our opinion by lawyers guided by some appreciation of every day psychology and a fair regard to the exercise of human reason. We do not at the present time suggest any legislation respecting the form of the hypothetical question; but the popular mind has more respect, and justly so, for the opinion of one who, though unskilled as an alienist, forms his opinion upon relevant occurrences within his knowledge; and it is absurdly narrow to confine his opinion to whether the acts related by him were rational or irrational. The fine-drawn distinctions between rational and irrational acts, and rational or irrational, competent or incompetent, human beings is a judicial distinction, not justified by the experience of other rational communities, who do not suffer from letting non-alienists, testifying as to facts in their experience, express a broader opinion as to competency, than we permit.

We repeat our former *recommendation*.

11. The elimination of unnecessary printing in Judicial proceedings.

We *recommended* that the Committee on Legislation be instructed to take steps to this end, preferably, so far as possible by a modification of the rules. Our *recommendation* was approved. We are not aware that any steps were taken.

Our Chairman corresponded with a Judge of the Appellate Division in the First Department, one of the Committee of the Justices upon the general rules of practice, with respect to a modification of the rules to avoid unnecessary printing of merely formal matters, such as the repetition of titles, and forms of summonses and other formal papers or formal parts of papers not relevant to the merits of an appeal; but learned that the matter is so far governed by statute as to render a change of the rules substantially ineffectual. The trouble appears to arise from the statutory requirement of certified copies (Code Civil Procedure, s. 1353; Civil Practice Act, s. 616), instead of settled copies of papers, unless attorneys stipulate. (Code Civil Procedure, s. 3301; new section 170 Civil Practice Act and New Rule of Practice 154).

We now *recommend* statutory relief dispensing with any requirement for printing in any record on appeal merely formal papers or formal parts whose presence is immaterial to the merits of an appeal.

12. Simplification of the method of serving process upon infants.

We considered the recent changes (Code Civ. Pro. ss. 426, 438, as amended) complex and unintelligible. Our recommendation was referred to another Committee of the Association.

Section 426 was amended by Chapter 492, Laws 1920, so as to allow compensation to a person served in behalf of an infant, but still it does not prescribe his duties.

Section 438 was amended by Chapter 478, Laws 1920, but not so as to obviate the criticism heretofore made.

The simplification could, in our opinion be effected by restoring the law to its former condition before its recent amendment in respect to the mandatory character of serving a third person in behalf of an infant under fourteen years old, leaving it discretionary and permissive as now in the case of an infant over fourteen years.

This change appears to have been effected by section 225 of the new civil practice act (C. 925, Acts 1920) which became a law May 21, 1920, to take effect April 15, 1921. We assume that the repeal thereby (s. 1539) of the Code of Civil Procedure and its amendatory acts effects the repeal from April 15, 1921, of the earlier Acts of the same session. (Chaps. 492, 478 became laws May 4). We accordingly make no *recommendation*.

13. Prevention of dismissal of action in equity where it appears that the plaintiff has a remedy at law.

We *recommended* legislation to obviate this unjust result—contrasting the liberal practice in federal courts (U. S. Laws 1915, c. 90, 38 Stats. 916; U. S. Jud. Code, s. 274 a) with the illiberal practice illustrated in New York by *Jackson vs. Strong*, 222 N. Y., 149, *Loeb vs. Supreme Lodge*, 198 N. Y., 180, *Freeman vs. Miller*, 157 App. Div., 715; *Simon vs. Burgess*, 146 App. Div., 37).

We repeat our former *recommendation*.

14. Facilitation of Commercial Arbitration to conform with the practice of other Commercial nations.

The Bill for an Arbitration law recommended in our last report became a law, Chapter 275, Laws of 1920. This reform however, has perhaps been jeopardized or its effect rendered uncertain, by the subsequent re-enactment of the sections of the Code of Civil Procedure which it repealed. (ss. 2383, 2384, 2385). The re-enactment was in the Civil Practice Act (Chapter 925, Laws 1920) upon the report of the Joint Legislative Committee upon Simplified Civil Practice. This did not expressly repeal the Arbitration law. (Act 1920, c. 275).

We *recommend* that the Legislative Committee be instructed to secure the introduction and urge the passage of a bill to repeal ss. 1428-1430 of Article 83 of the Civil Practice Act, reviving sections of the Code of Civil Procedure repealed by the Arbitration law.

It has been recently held by the Appellate Division in the First Department (Matter of Berkovitz) that the Arbitration

Law of 1920, chapter 275, does not apply to contracts made before its passage.

15. Costs in the Court of Claims.

This Association in 1919, (Report p. 220) approved the principle of Costs to the Claimant.

In 1920 (Report, p. 247), this Committee approved the form of an amendment to Sec. 274 of the Code of Civil Procedure, designed to accomplish the purpose. The substantial features of the recommendation were passed by the legislature of 1920, and vetoed by the Governor. We make *no further recommendation*.

16. Circulation of our report among newspapers, members of the Legislature and the Governor.

The object of such circulation is manifest. Our recommendation last year was modified by the Association to confine it to the matters approved by the Association. But even that circulation provoked echoes of profitable discussion in the public press, and certain of our recommendations became law as indicated above (pp. 16, 21, 22).

But many of our recommendations though approved by the Association, made no substantial progress. Several reasons contributed to this end; we presented very few bills with our report; we now, in order to avoid the former experience, have procured the preparation of a bill to cover each recommendation. The time intervening between the annual meeting of this Association and the adjournment of the legislature is liable to prevent any progress with any recommendation of this Association during any current session of the legislature. It is to future legislatures that we must mainly look.

Again we *recommend* that our entire report be circulated, and that the action of the Association on each recommendation be indicated.

We believe that the discussion itself is instructive. This Committee recommends no reform which it deems inadvisable; and though its specific recommendations be disapproved or passed over, the very discussion may lead to the advancement of improvements upon the recommenda-

tions. This view is forcibly illustrated by the fact that by the action of this Association in limiting the parts of our former report which we were authorized to circulate to those matters which had been specifically approved by the Association at the last annual meeting, we were not permitted to transmit to the Governor, the members of the legislature or the press of the State our observations upon the futility in experience of the Blue Sky laws of various States, with a suggestion founded in experience, for a change of theory. Yet for the guidance of Commercial bodies and of legislators of other States, dealing with the subject, numerous copies of our report were in demand.

Our said report was considered of sufficient interest to a much wider audience to justify the publication by the American Law Review in the May-June 1920 number, of a summary review and of a more detailed reference to its more important matters of general concern, such as its discussion of constitutional liberty, women jurors, blue sky laws, justice and the poor, marriage and divorce, all under the title "Law after the War."

ADDITIONAL RECOMMENDATIONS—Repeated from last year's report.

Every one of the foregoing recommendations, 1 to 15, as made in our last annual report received the approval of this Association; three, those for the enforcement of agreements for arbitration, for suits for declaratory relief, and for the simplification of service on infants, passed into law.

We now make the following additional recommendations, which were recommitted last year, owing to lack of opportunity for adequate discussion.

17. The amendment of the Trading with the Enemy Act to prevent the removal of offenders to the District of Columbia for trial without regard to the place where they were at the time of its violation.

Perhaps the amendment of this act at the present time is unnecessary. The existence of Wartime Emergency legislation may be expected to pass perhaps in the near future. We

are therefore at this time content to repeat what in substance we said last year, that the construction put upon this act (Oct. 6, 1917, Ch. 106, 40 Stat. 411) in this respect by the Supreme Court of the United States in *Rumely vs. McCarthy* 250 U. S. 283, together with its decision that such construction violates no provision of the Constitution of the United States is the opening wedge for a tyranny which is decried in the Declaration of Independence, and which it is most discouraging to lovers of American liberty to see pass quietly into federal legislation by the process of construction without most vigorous protest.

Once again we urge the supreme importance of a return to pre-war concepts of American civil liberty.

18. The State as a party defendant in actions to try title.

A bill for this purpose passed the Legislature but was vetoed by the Governor in 1919. (Senate Int. No. 675, Assembly Int. No. 1005).

We repeat our view that the principle is a wise and desirable one.

We *recommend* that the Association approve the principles as just for the protection of citizens; and that the Committee on Legislation be instructed to secure the introduction of a similar bill and urge its passage, obviating, however, if practicable, the specific objection which led to the Executive disapproval.

19. Limitation of the powers of Notaries Public and transfer of those powers which require a knowledge of law, to Attorneys and Counsellors at Law, *ex officio*.

In 1920, we *recommended* the consideration of this subject by members of the Association.

Doubtless the decision of the Court of Appeals in *People v. Alfani* (227 N. Y., 334), determining certain activities of a Notary Public to be the unlawful practice of law, will tend to discourage the imposition hitherto widely practiced by ignorant and incompetent Notaries upon persons who, on account of the title of the office are apt to misunderstand its functions and to rely upon its incumbents for legal advice

and the preparation of written instruments. But we believe it would promote this discouragement if a law should be passed specifically prohibiting a Notary Public not duly admitted to practice as an Attorney and Counsellor of the Courts of record of the State, to give legal advice or to draw written instruments for compensation; and making such practice a misdemeanor and a ground for removal from and disqualification for such office. And we *recommend* accordingly. It would, we believe, further tend to prevent imposition and inconvenience if those presumably learned in the law, as duly admitted Attorneys and Counsellors at law were *ex officio* empowered, as are Masters in Chancery of New Jersey, to administer oaths and take the acknowledgment of deeds. But we make *no present recommendation*.

20. Law Reforms recommended by the Association of the Bar of the City of New York.

These recommendations made (some in 1909, some in 1914) are:

(a) To amend the Code of Criminal Procedure in relation to the trial of defendants jointly indicted so as to provide that they may be tried jointly or separately in the discretion of the Court.

(b) To amend said Code in relation to exceptions to the rulings of Courts on the challenge of a juror, so as to abolish Exceptions to rulings on the examination, allowance or rejection of jurors.

(c) To allow the trial justice in a criminal case, where the defendant fails to testify in his own behalf, to charge the jury that it may consider such failure.

(d) A blanket or joint indictment, with separate counts

when there are several charges against the defendant or defendants for the same act or transaction; or for two or more acts or transactions connected together; or

for two or more acts or transactions of the same class of crimes or offenses.

(e) The admission of proof in criminal cases of other and different wrongful acts, or of other like acts of the defendant, whether prior or subsequent, such as would tend to show *scienter*, motive or intent, as evidence of motive or intent in criminal causes.

(f) The abolition of double writs of *habeas corpus* for the same cause.

(g) The forbidding of any threat, or recklessly or intentionally false or misleading statement, by a newspaper which tends or is intended to affect the result of any pending action or proceeding.

As each of these recommendations had received the careful consideration of the Association of the Bar of the City of New York and its approval we *recommended* that this Association consider them and determine whether it will concur. We repeat this *recommendation*.

In this connection and as bearing upon the whole proposition of benefiting society by promoting the moral reform of those convicted and sentenced, we direct attention to the very comprehensive report of the Prison Survey Committee after an investigation at the request of the Governor, recently made public, which advises a general reorganization of the State prison system.

If prisons are not efficient, the mere conviction and sentence of criminals is without any substantial benefit to Society whose interests they are intended to conserve.

21. Supreme Court Commissioners.

We reiterate our *recommendation*, for the introduction and advocacy of a bill which authorizes but does not compel a better system than the present referee system, and that instructions accordingly be given to the Committee on Legislation.

A bill to this effect was introduced last winter (Senate Int. 980), but was not reported out of Committee.

22. Abolition of Imprisonment for debt on Civil process.

This has been repeatedly advocated by Committees of this Association. The provisions for civil arrest are continued by Article 47 of the Civil Practice Act.

We *recommend* that the Committee on Legislation be instructed to secure the introduction and urge the passage of a bill to abolish imprisonment for debt on civil process.

23. Interrogatories to adverse party.

We repeat our former *recommendation* that this practice, so successful in New Jersey, should be adopted in New York.

We do not, however, ignore the fact that the provisions of the Civil Practice Act for Testimony by Deposition (Art 29) as amended (Act 1920, c. 926) and for Admissions, Discovery and Inspection (Art. 32), considerably diminish the need for this further liberality of practice.

24. Voluntary diminution of Civil Jury trials.

We repeat our *recommendation* of legislation designed to encourage this result.

The economic cost of unnecessary jury trials is sufficient excuse for this step, whatever may be the Constitutional aspects of the preservation of a civil jury as an institution.

In this connection it is interesting to find in the Annual Report for 1919 of the President of the Far Eastern Bar Association (Hon. Charles S. Lobinger, of Shanghai, Judge of the United States Court for China), an extended quotation from Mr. Justice Riddell of Canada (American Bar Association Journal V, 651, 652), to the effect that the people of Ontario have come to the view that a jury is not necessary in most cases; and that where there is a jury there is not a general verdict in one case in ten; that the percentage of cases tried by a jury is constantly diminishing; that the saving of time is enormous, doing away with opening and closing speeches to the jury and the Judge's charge; and that time is saved in avoiding all of the petty practices ordinarily resorted to for their supposed effect on the jury.

Assuredly the economic advantages of diminishing the number of jury trials are obvious; and if a population like that of Ontario can voluntarily to a large extent abandon jury trials,

the people of New York can fairly consider the economic aspects of the problem and act thereon without regard to the fact that it is the "palladium of their liberties," crystallized as a refuge in their Constitution.

25. Revision of the Rules of Evidence.

We *recommend* the legislative investigation of our law of evidence, with a view to shape it so that it may contribute to a greater degree than at present to the ascertainment of truth when under investigation in Courts of Justice. Many of the peculiar developments of the law of evidence first applied to specific cases, and then through the application of precedent unduly extended, are no longer in conformity with rules of reason, and do not contribute to the primary purpose of rules of evidence. Especially is this true of rules respecting privileged communications and those derived from Statutes extending the rule of sentiment into the domain of law.

Peculiar rules, like the limitation of phrase in which opinions of mental competency must be elicited from non-expert witnesses, are severely criticised, as non-conformable to the habits of life or the investigation of truth. (*Supra*, p. 20.)

We are of the opinion that an intelligent and painstaking investigation of artificial rules of evidence which encumber the ascertainment of fact, would be of great advantage to the due administration of justice in New York. Anyone who examines Mr. Wigmore's Pocket Code of Evidence and finds authorities arrayed upon both sides of a rule which can have but one object, and that in the forum of reason, must be impressed with the necessity of such a study, especially in those cases, which are not infrequent, where the line of his reasoning points to the conclusion, which he often states, that the true rule is not the accepted law anywhere.

We accordingly *recommend* such a legislative investigation as well fitted to necessary progress in conforming the practice of courts to a reasonable and just administration of right.

26. Remodelling of the rules respecting the suspension of the Power of Alienation.

In the whole history of litigation, it seems probable that no one subject has been so prolific of dispute or of uncertainty in actual application as the law respecting the undue suspension of alienation. It was doubtless a substantial reform which was accomplished by the Revisers of 1828, when they reduced the measure of limitation by lives to two lives instead of many.

But the uncertainty of two lives is such an indefinite measure in point of duration, that though convenient in enabling a testator to provide for particular individuals, it has no excuse as a fixed period. There seems no substantial reason why, as in New Jersey, without changing the present rule in any other respect, suspension for a fixed period not to exceed 21 years should not also be allowed.

We *recommend* legislation accordingly.

In this connection it is deemed worth while to call the attention of the profession to the very unsatisfactory condition and indeed the uncertainty of the law respecting the proper distribution of extraordinary corporate dividends between principal and income of trust estates; we *recommend* that this Committee be instructed to give further consideration to the subject and report to the next annual meeting whether it is either desirable or feasible to introduce a statutory rule or whether the law against accumulations should be amended so as to permit a testator or creator of a trust to provide expressly that such dividends may be considered to be principal.

27. Housing and the High Cost of Living.

In view of the legislation of 1920, and the problems confronting the Extra Session of the Legislature in 1920, we point again to our discussion of these subjects in the report of 1920 (Vol. XLIII, p. 278). We foreshadowed then, by reference to analogies in English law, the principles which have since, in some instances been utilized in the new rent legislation, all indicative of the fundamental principle that public authority in the public interest and for the public necessity may prevent the use of private property in ways inconsistent with the public good; and that public law may be so shaped as to respond to public necessity.

Economic discussions are not our function as an Association, but it behooves lawyers as enlightened individuals to lend their educated aid in the solution of these fundamental problems by helping to conform our law (even our fundamental law, if necessary) to true public interest, if it shall yet appear, either for Constitutional or other reasons, that the recent legislation shall prove ineffectual or inadequate.

In this connection we call attention to the disclosures elicited by the pending investigation of the Committee on Housing Conditions in New York City, commonly known as the Lockwood Committee. They serve, in our opinion, to demonstrate that our system of justice is not adequately developed in the line of preventive justice or the promotion of self-defense against unlawful conspiracies. We have systematically substituted the processes of remedial law for the instinct of self-defense, until the exercise of the right of individual self-defense can now be availed of only *in extremis* after retreat to the wall, as a matter of necessity and within carefully defined artificial restrictions.

28. City Planning.

Once again we call attention to the systematic progress which is making in the proper planning of cities so as to best solve the problems of city life and to meet the economic aspects of it.

Zoning regulations with which we have lately become acquainted are but a very small part of a very much greater problem, which is receiving widespread attention in the United States and elsewhere. New York State should not fall behind other intelligent communities in appreciation of this subject matter, and here, as in all matters needing expression in law, lawyers can and should render constructive professional assistance.

29. Urban public utilities.

Local facilities for transportation are necessary elements of urban life. The present condition of the passenger transportation systems of New York City is an illustration of the inadequacy and lack of foresight in our laws.

This Committee does not consider that it is its function, nor the function of this Association to solve economic problems.

We submit no proposed legislation; we are satisfied that it does not behoove us to formulate a law but merely to direct attention to the necessity of change and the general scope of an adequate law. In our opinion any adequate law should cover the subject in at least five aspects:

1. Proper provision for the readjustment of franchises upon a fair basis when the public interest may demand it.
2. Reasonably adequate safeguards to prevent insolvency.
3. The safe and quick reorganization of insolvent public utilities.
4. Suppression and punishment of unlawful interference with the operation and safety of public utilities.
5. The concentration of power and responsibility with respect to the character of service and the regulation of fares.

NEW MATERIAL.

Thus far in this report, we have in many respects merely reiterated in a modified form, what we said in our comprehensive report of 1920. The material of that report was not without adequate consideration by the Association. We have brought it forward again to afford a second opportunity for its due consideration.

There is however, certain additional material upon which we report.

30. *Matters referred at the annual meeting of 1920.*

- (a) A resolution that Justices of the Supreme Court of the State be requested to inquire into and determine whether male applicants for citizenship are married, and if married, that they be required to produce the wife before the Court, for its deter-

mination whether she is possessed of such knowledge and recognition of the obligations, duties, etc., of citizenship as to satisfy the Justice that she would be an acceptable and desirable citizen. (Report 1920, p. 383).

Under the Constitution of the United States (Art. I, s. 8), it is the function of Congress to prescribe uniform laws for naturalization. Laws are not *uniform* in effect, if not uniform in administration. For this reason we do not approve different methods of administration in different States; it would deprive these laws of uniform operation if a different prerequisite were enforced in a single State from that observed elsewhere. In our opinion it is essential to the uniformity of these laws that they be uniformly administered.

We therefore *disapprove* the adoption of the resolution; and instead, *suggest*, if the Association approve, that a copy of the resolution be transmitted to the Chairman of the appropriate Committees of the Senate and House of Representatives of the United States, with the request that the subject matter of the resolution in so far as it relates to the fitness for naturalization of married men whose wives may be undesirable as citizens, be duly considered by such Committees.

In this connection we refer to the resolution introduced by the same member (Report 1920, p. 384) and referred *not* to this Committee but to the Committee on Legislation, for the preparation of a bill to amend the Naturalization laws to provide:

That citizenship of a woman be independent of that of her husband;

that male and female aliens be separately naturalized; that a female citizen of the United States shall not forfeit her citizenship by marriage to an alien, unless she quits the United States to make her permanent residence in her husband's country or by her own act declares such forfeiture.

The international results of such suggestions deserve most careful consideration. But the matter was referred to another Committee of this Association and not to us.

(b) Reports to the Rochester Bar Association respecting the increase of costs and fees and the new Civil Practice Act then proposed and now enacted into law. (Report 1920, p. 388).

This Committee is not impressed with any public necessity for the increase of costs and fees and deems it unwise to advocate such increase.

The new Civil Practice Act has been under consideration by another Committee of this Association, and this Committee considers that if the Association is still of opinion that in view of the enactment of the law (Act 1920, ch. 925) it is still desirable to consider the report of the Committee of the Rochester Bar Association, it is preferable that it should receive such consideration from the Committee of this Association which has been specially charged with the subject matter.

We therefore *disapprove* the recommendation for the increase of costs and fees; and we *recommend* that any further consideration, if any, of the Civil Practice Act be referred to Committee of this Association thereon.

(c) The recommendation of Judge McAdoo's address upon "Justice and the Poor." (Report 1920, p. 412).

We were instructed to co-operate with Judge McAdoo and his Court (The City Magistrates Court of New York City), and with the Corporation Counsel to the end that his recommendations should receive due consideration.

We have tendered such co-operation, but have not been advised of any step which we may properly take to that end.

We were empowered to consider whether the recommendations commended themselves to us, and if so to co-operate in their incorporation into law.

As we understand his specific recommendations they were for

Legislation for licensing and regulating those pursuing the giving of bail bonds as a business. (Report 1920, p. 430).

Judge McAdoo stated that he had applied to the Corporation Counsel to prepare a bill to carry his specific views into effect.

They appeal to us favorably; we are not aware of any reason why such provision should not be made; considering the source of the recommendation, and his wealth of experience, we have no doubt of its wisdom and we are ready to coöperate as directed.

(d) The resolution of Hon. Edward J. Dooley of Brooklyn, concerning the amendment of Section 18 of Article 6 of the State Constitution in relation to children's courts and courts of domestic relations. (Report 1920, pp. 487-497).

The experience of those who have given especial attention to the evolution of special branches of our courts for the administration of justice in these cases appears to point to the advisability of greater freedom of legislative action in the prescription of the powers of such courts. They are in an experimental and evolutionary stage; the restrictions of the Constitution upon legislative power were devised before the institution of such courts. In our opinion the legislature should have the power to legislate for the proper scope of these Courts as experience may dictate.

We *recommended* the approval of the concurrent resolution. It passed both the Senate and the House in 1920 and was transmitted to the Secretary of State. It must again meet legislative approval before submission to the electorate.

We are advised that the proposed amendment was favorably reported in the Constitutional Convention of 1915.

In this connection we deem it proper to direct attention to the fact that in considering the subject of Justice and the Poor at the 1920 annual meeting of the American Bar Association, distinguished speakers laid emphasis upon the important part now played in enlightened communities by Courts of domestic relations and juvenile Courts. The Japanese government has recently sent to this country for the especial purpose of studying these American institutions, Mr. Tokajiro Ikeda,

a lawyer of distinction, Procurator of the Supreme Court of Japan and a member of the Commission to revise the laws, and especially its laws of domestic relations.

(e) The recommendations of Hon. Francis M. Hugo, Secretary of State, respecting corporations.

We understand these recommendations to be

(1) Such an amendment of the Corporation laws as will permit the organization of a business corporation (not a transportation corporation) which may combine an ordinary mercantile importing and exporting business with the operation of water craft for the carriage of freight, passengers and mails. (Report 1920, p. 494).

The specific changes which he recommended were: the repeal of Art. III of the Transportation Corporations Law, relating to Navigation Companies (saving the rights of existing Companies), so that thereafter there would be no prohibition in the law against organizing Navigation Companies under the Business Corporations Law, and so that New York corporations engaged in navigation would not be embarrassed as now, in competition with corporations of other States, by reason of the unnecessary separation as now, of corporations having the powers of business corporations and those organized as Navigation companies; the amendment of the tax law so as to preserve the benefits now secured to navigation companies.

We approve the suggestions and *recommend* their approval by the Association.

(2) The amendment of the Stock Corporation law, so as to avoid the requirement that a corporation with stock of no *par* value may not begin business or incur debt, before full payment of the entire stated capital.

The measure recommended became a law as Ch. 606, Laws 1920.

(3) A practical and expeditious method of clearing names of dead corporations from the official records

We *recommend* the approval of the suggestion.

(f) The resolution of Mr. Daniel S. Remsen requiring this Committee and the Committee on Law Reform to inquire into the necessity, occasion and effect of the passage of Chapters 419 and 441 of the Laws of 1919, respecting the facilitation of compromises of will contests. (Report 1920, p. 524).

We have ascertained that Mr. Remsen was not aware that these laws were passed upon the recommendation of this Committee (Report 1919, p. 275. Report 1920, p. 256). The legislation was framed upon the precedent, experience and legislation of Massachusetts, and was advocated by this Committee as a wise extension of the powers of Surrogates' Courts. Its passage was efficiently urged by the Legislative Committee of this Association, upon a memorandum submitted by the then Chairman of this Committee.

We have no substantial reason to change our view, though we have ascertained from Mr. Remsen that his resolution was the result of an experience in which he was impressed that the new laws were made an excuse for precipitating a will contest because of the ease with which it could be compromised, and he was inclined to the view that the laws provided and offered an advantage to those contesting wills for the mere prospect of compromise.

Certainly this was not the purpose of the laws and so far as we are advised has not been the experience in Massachusetts. We think that probably in the specific instance, some shrewd person seized upon the new laws as a means of urging a compromise, but that the law was not the occasion, though it might be the excuse for the attack.

Such occasional abuse of the excellent purpose of the laws, is not, in our opinion, any reason why their repeal should be

urged. Experience may demonstrate advantageous changes to prevent similar abuses in the future.

We are not advised that the Committee on Legislation is out of accord with our views.

31. Comparative Law.

It will doubtless be of interest to members of this Association to know that a distinguished member of the Japanese Bar, after reading this Committee's Report for 1920, requested that a copy be sent to the Carnegie Endowment for International Peace, at the same time commenting thereon to the effect that our reference in the 1920 report to the pending revision of the Civil Law of Japan shows how closely the members of the legal profession are brought into touch with one another through comparative study of the legal systems of different countries.

There are continual progressive law reforms proceeding not only in other states, but in other countries, which it would profit the people of this State to know and imitate, and their lawyers should be alert to perceive them and bring them to the attention of members of the legislature, and the Bench and Bar, to the end that we should not as a profession rest in complaisant ignorance until the facts of economic history force themselves into our law from without, against the uninstructed conservatism of a bench and bar given over to the acceptance of a past which they deem good enough.

32. Judicial Correction of Judicial error.

An illustration of this spirit of unawakened contentment seems to be afforded by the reception at the last annual meeting of a resolution

that the Committee on Law Reform be requested to consider how judicial errors, especially in the courts of last resort, should be corrected; and that the Association recommend consideration of the subject by the 1920 conference of State and Local Bar Associations. (Report 1920, p. 523.)

The resolution was tabled without debate (p. 524). It was received as though it were a humorous suggestion. The fact is that the judicial correction of judicial error, through the limitation of the rule of *stare decisis*, has been the subject of considerable thought and discussion in recent times. While it is the boast of the protagonists of the common law that it is flexible and grows with the evolution of social habit, one of the greatest counteracting influences, making against such flexibility, and requiring frequent legislative interference is the rigid adherence to the rule *stare decisis* by judicial tribunals, and the following of precedent, when the precedent is merely an illustration of the proper application of a recognized principle to specific facts, and where in the subsequent case to which the precedent is applied, the rule upon which it was based is not applicable.

In the opinion of this Committee the resolution should be taken from the table, and its mover be afforded the opportunity to explain his reasons and his views in greater detail, so that the Association may be properly apprised of the object in view and the method in contemplation for its attainment.

33. Wilful fraud by sureties.

The decision of the Court of Appeals in *Dollard v. Koronsky*, 199 N. Y., 559, to the effect that it is not punishable as contempt of court for sureties to so dispose of their property as to render impossible the enforcement of the liability assumed by them, seems to us to point to the desirability of legislation to effect the results which were rendered nugatory by the views of the Court of Appeals.

We *recommend* such legislation.

34. Anachronisms of Law.

This Committee notes with pleasure that the Committee of this Association on Anachronisms in the Law has gotten actively to work and that it is composed of men, whose position enables them to become apprised of these defects in our law.

The Chairman of our Committee has taken occasion to invite the attention of the other Committee to the following conditions in our law, demanding correction:

The unreasonable difference between sealed and unsealed instruments in our statutes of limitations (Civil Practice Act, ss. 47, 48);

the failure of the Supreme Court of the United States to make an adequate and reasonable rule to enable parties to move for rehearings or correction of errors in mandates after the adjournment of the Court in June for a vacation during the remainder of the Constitutional term (*supra*, p. 7);

the arbitrary rule in the Federal Courts that after the final adjournment of the term a Judge is without power to sign a bill of exceptions; and that the reviewing Court will not examine the exceptions if signed after the term. (*O'Connell vs. U. S.*, 40 Supr. Ct., Rep. 444);

the confusing distinction in federal practice between review by writs of error, by appeal and upon petition for certiorari, in many cases necessitating at least two different and parallel resorts to the Court of Review, in order to obtain the single review to which the litigant may be entitled. In many instances it can not be determined until after the reviewing court has decided, which is the proper method of approach; the labors of counsel and of the Court, and the expenses of the litigants are thus duplicated. by the unnecessary distinction between the several methods of approach;

the same confusion in smaller degree exists in our present practice in the Court of Appeals (Code Civ. Pro., ss. 190, 191), where it is uncertain whether the right of appeal exists or a permissive appeal is the sole remedy, because it is uncertain whether the decision to be reviewed "finally determines" the action or not, where it finally determines the applicable principle, but something still remains to be done to carry it into effect;

the persistent and never ending disagreement between various United States Courts upon the construction of the statutes granting the right of removal from State to

federal courts; thus presenting the reprehensible anomaly of a uniform law applicable to the whole judicial system, administered in contradictory ways in many districts; there is no field of law in which greater chaos exists, more discreditable to the administration of justice (*supra*, p. 6);

The illiberal practice established by judicial precedent of refusing to permit the correction of mistakes in copies of verified pleadings, erroneously served without copies of the actual signatures of the originals, and instead driving the delinquent attorney to a motion to open a default, with its consequences of added costs; and then by adherence to another line of judicial precedents, refusing to open the default upon a showing that the apparent default in the copies did not exist in the originals, when accompanied by a mere affidavit of merits, but requiring the showing in detail of a *prima facie* case upon affidavits before opening the default thus occasioned;

the ruling that one who has appealed from a judgment upon a demurrer abandons his appeal by pleading over;

the tremendous injustice arising from the refusal of all judicial relief to those who have through errors in tax offices, paid taxes upon neighboring property instead of their own;

the preservation of the civil jury by constitutional provision, in such manner that no legislative reform based upon economic considerations or the actual experience of other civilized nations with respect to the summary decision of disputes by competent judges, seems possible;

the effect of present practice in condemnation cases, in denying that just compensation which was the object of the Constitutional provisions, by delaying all compensation, until a dispute over a mere difference has finally been determined in the highest court; and then adding legal interest from the date of vesting, thus imposing upon taxpayers a penalty for the delay, instead of taking care of the property owner by a prompt payment of the undisputed amount, and of the taxpayer by avoiding huge accumulations of interest;

The terrible and ridiculous perplexities of conflicting laws concerning marriage and divorce (*supra* p. 11) ;

the total inadequacy of our laws respecting public utilities vital to the established order of the community (*supra*, p. 32) ;

the gradual disappearance of every reason originally assigned for the imposition of the rules for a common carrier's liability, without the modification of the liability ;

the anomalous condition of the law respecting the compensation of Commissioners in condemnation, which allows inadequate compensation in New York City, where the questions are more complex and the responsibilities greater, and denies extra compensation in New York City though allowing it elsewhere ;

the lack of harmony between the judicially established principle of law that the addition of an official title to the signature of an individual signing a written obligation is for purposes of identification of the person, and the almost invariable intent of the parties that the signature is to be taken as an official act of the signer creating not a personal obligation but an obligation of the principal of which he is an officer ;

the desirability of modifying in some respect the rigidity of the application of the principle *stare decisis* so as to allow of more ready judicial correction of judicial error (*supra*, p. 38) ;

the injustice and fraud accomplished by the rigid enforcement of recognized rules respecting the validity of a marriage when it is obvious that the marriage would not have taken place, but for deception, but the deception is not of a nature which judicial precedents have recognized as ground for annulment.

Taking these instances as mere illustrations, we earnestly *urge* that the whole field of law be systematically covered under the auspices of the Committee on Anachronisms for the discovery and correction of its unreasonable and vexatious anomalies, which impede the achievement of justice, and we *recommend* that it be instructed accordingly.

35. Aviation.

We are now at the threshold of a new development in the law, whose proper solution involves as much complexity as any other subject ever considered.

Without adequate advance consideration we are in danger of both judicial and legislative misapplication of recognized principles that will bring confusion in the wake.

Few lawyers, judges or legislators are taking thought for any proper solution; our attention has been casually directed to cases arising for judicial solution most unexpectedly, for instance in an inferior court in Vermont, a suit against an aviator for frightening a horse to its damage in a farmer's field, by the noise of his propeller, while flying over the field attempting to alight in an adjacent field devoted to an aviation landing place. Before we know it, judicial decisions based upon precedents imported from other branches of law, will or may impede the proper progress of the art of aviation. Is an aviator under the circumstances suggested to be regarded as a trespasser because forsooth in the English and American law of real property the owner of the soil owns all above and below; or is the atmosphere to be deemed an ocean of air for free use of all comers as soon as a means of utilizing its possibilities for mechanical flight is discovered and applied?

There is no more fundamental constitutional question than whether jurisdiction of the air for purposes of flight is within the admiralty jurisdiction of the Federal Government.

We are advised that a Committee of Admiralty lawyers has been at work on a federal bill to utilize this suggestion. A bill introduced in the House of Representatives in 1920 by Mr. Kahn of California, seems to assume that all jurisdiction over flight and its incidents is exclusively vested in and to be controlled by the government of the United States.

The Constitution of the United States can not be amended by legislation; it should not be amended by aggressive occupation of an unprecedented field. If the power of Congress and the jurisdiction of the National government are to be extended to new subject matter, it should be by proper Constitutional amendment in a Constitutional way.

The lawyers of the country and of this State are assuredly not alive to the importance of the subject, or the conflicts and perplexities of jurisdiction which it may involve. It deserves the most careful attention and profound foresight.

The Commissioners of Uniform State Laws have a Committee considering the subject of a uniform aviation law; the Executive Committee of the American Bar Association has determined to appoint a special committee upon the subject; the Covenant of the League of Nations contains a provision; the Governors of the Aero-Club of America have named a Committee upon Aviation law; practical flyers are perplexed by the occasional legal problems which suddenly confront them.

There has been State legislation and a report containing conclusions and recommendations has been made by a Commission appointed by the Governor of the State (1920—Legislative Document No. 103).

We *recommend* that this Association institute a Committee upon aviation law, charged with the duty of studying the subject in its international, national and local aspects; to keep advised of its progress and to report with its recommendations to the annual meetings of this Association, or to its Executive Committee or Law Reform Committee as it may deem appropriate to the matter in hand.

OUR RECOMMENDATIONS.

Our *recommendations* are indicated in the foregoing report. We *urge* that they be respectively approved and the Committee authorized to take steps to carry them into effect through the Committee on Legislation or by other appropriate means.

FINALLY, There are substantial economic problems following the war, which must and will be settled; lawyers can unquestionably be useful in proposing and formulating legislation, when the proper solution is offered, and with other intelligent men they can be devoting serious thought and discussion to the discovery of the solution.

These problems are well-nigh universal, they include labor disturbances, lack of housing facilities, the prohibitive cost of the substantial necessities of life, unprecedented taxation.

It does not seem to us that a Bar Association having a meeting lasting only two days is equipped to deal with these fundamental problems helpfully. But we can not refrain from directing attention to them as matters in which individual lawyers can be of great assistance.

SCHEDULE A.

RESOLUTION OF CONFERENCE OF DELEGATES FROM STATE AND LOCAL BAR ASSOCIATIONS, RESPECTING MODIFICATION OF FEDERAL LAW FOR REMOVAL OF SUITS.

RESOLVED, That State and local Bar Associations be urged to take action looking to recommending such amendment of the existing provisions of the Statutes of the United States for the removal of suits from State and Federal Courts that the meaning of terms now leading to uncertainty and disparity of administration shall be made more certain.

And further that in such removals so far as may be deemed practicable the same option as to a trial in a United States Court be secured to a defendant within the limits of the judicial power of the United States as is now secured to a plaintiff in instituting his suit.

SCHEDULE B.

PROPOSED AMENDMENT CONCERNING REMOVAL OF SUITS FROM STATE TO FEDERAL COURTS.

Proposed amendment of Sec. 28 of the Federal Judicial Code, approved by the American Bar Association at its 1920 meeting upon the recommendation of its Committee on Jurisprudence and Law Reform:

“In all cases of removal where the defendant is not a resident of the State, district or division of the district in which it is brought, the District Court of the United States for the proper district shall be the one having jurisdiction in the district or division thereof where suit is brought in the State Court

The President:

The Chair will now call for the report of the Committee on Legal Education.

J. Newton Fiero, of Albany:

On behalf of the Committee on Legal Education, I submit this report, which is substantially unanimous save as to one recommendation, which is hereafter referred to.

The committee, as now constituted, consists of Harlan F. Stone, Dean Columbia University Law School; William P. Richardson, Dean Brooklyn Law School; George Chase, Dean New York Law School; Carlos C. Alden, Dean Buffalo Law School; J. Newton Fiero, Dean Albany Law School; Leslie J. Tompkins, representing New York University Law School; C. Tracey Stagg, representing Cornell University Law School; Louis L. Waters, representing Syracuse University Law School; John Whalen, former dean Fordham University Law School; Charles T. Terry, William H. Hotchkiss, Frank Irvine, Adelbert Moot, and Frederick B. Campbell. The committee has lost two of its members during the year by the resignation of Judge Vann and death of Francis Lynde Stetson. Acting with this committee is an advisory committee consisting of former Chief Judges of the Court of Appeals, Alton B. Parker, Edgar M. Cullen and Willard Bartlett and former Justice Charles E. Hughes. It will be noted that this committee is made up of former members of the Bench, practicing attorneys and law school deans or lecturers. The subject-matter submitted for consideration by the action of the Association in 1916 has received careful consideration, the life of the committee having extended over a period of five years, during the first two years of which, however, little was accomplished by reason of then existing educational conditions brought about by the war. Two of the members have not taken an active part in its work.

The report embodies the views of the members of the committee by way of recommendation. The views of the members of the committee with regard to those recommendations are shown by this statement.

One dissents from the first recommendation, which is that the standard of preliminary study for the bar be raised to the requirement of one year of college training or its equivalent.

All of the members who have taken part in the action of the committee concur in the second recommendation that a closer inquiry should be made as to the standards of legal education in states where candidates for admission to our bar were admitted to practice.

One member dissents from the third recommendation, that three years of attendance at a recognized law school should be required for examination for admission to the bar.

One does not concur in the recommendation that a four-year course should be required in evening schools.

Six of the members do not concur in the recommendation that all applicants, whether college graduates or not, should be required to serve a year of clerkship in addition to the time spent at a law school or in pursuing legal studies.

There is no dissent from the 6th and 7th recommendations, the 6th urging a more thorough and systematic inquiry into the character of students presenting themselves for admission to the bar and the 7th stating that it is inexpedient and unwise to require clinical work by law students.

REPORT OF COMMITTEE ON LEGAL EDUCATION

To the New York State Bar Association:

Your Committee on Legal Education respectfully reports:

That it was appointed pursuant to a series of resolutions adopted by the Association at its annual meeting in 1916 (vol. XXXIX, p. 246). The purport of the resolutions and the questions considered thereunder are briefly as follows: "The whole subject of legal education and of qualifications and examinations for the Bar," and especially:

(1) The supervision and regulation of legal education and training through a Department of Legal Education, and the promotion of standardization and uniformity throughout the United States;

(2) The raising of standards of legal education to that of a college or law school degree, and the strict regulation of the admission to practice of lawyers from states with low standards;

(3) The desirability of requiring a four-year course in 11 law schools;

(4) Nature and extent of the character examination on and before examination for the Bar and during the period of study and clerkship;

(5) Should clinical work be made part of a law school course?"

The reports, resolutions and debates of the American Bar Association and of its section of Legal Education, and so far as accessible those of the Association of Law Schools, have been consulted and the varying views noted. They, in the main, tend strongly to the elevation of the standards of admission either by requiring a longer period of preliminary education or an extension of the law school curriculum, but with limitations and suggestions to make haste slowly. Those suggestions come with much force from schools in localities where it is in the opinion of educators impossible to introduce a higher standard except by slow degrees and in a very gradual way.

Your Committee had hoped to receive the benefit of the work of the Carnegie Foundation entered upon in 1913, pursuant to the request of the American Bar Association, but no full report has as yet been made by that organization. It was also anticipated that such assistance would be afforded by the action of the American Bar Association on the proposed standard rules for admission to the bar, but your Committee has been unable to find a statement of any definite result on the more important questions involved.

In response to a request that the bar examiners of this state favor us with their views, its members kindly prepared in an unofficial capacity a body of proposed rules (Association Report, 1920, vol. XLIII, p. 322), and also gave us the benefit of their experience and observation (p. 326). The proposed rules (p. 327) appear to differ but little except in two in-

stances from those of the Court of Appeals now in effect. The important points of difference are:

"The present rules regulating admission to the bar require from non-college graduates four years of law study, one of which years must be continuous year of law clerkship. The proposed rules require the same of college graduates. Under the present rules a law school course is optional. Under the proposed rules a three-year law school course is obligatory.

The three members of the Board of Bar Examiners agree in the opinion, *first*, that the educational standard of admission should not be advanced beyond that required at present; *second*, that four years preliminary training should be required; *third*, that the student should take three years at a law school and one year in an office whether a college graduate or not; *fourth*, that a law school degree should be requisite but not conclusive. (In support of this view, and to indicate that no injustice will be done intending students, the information is given in a recent communication from the secretary of the Board that about 95 per cent of the applicants have law school attendance to their credit.) *Fifth*, that the present method of character examinations in this state is the best and most satisfactory known to them.

Your Committee also entered into correspondence with the deans of the law schools of the country (vol. XLII, p. 344) and communicated with two officers of the American Bar Association in each state, viz.: the vice-president for the state and the member of the General Council. Inquiries were also made from members of the Boards of Bar Examiners in the states wherever such boards exist. (Vol. XLIII, p. 321.)

Answers to inquiries were received from eighty deans of the schools throughout the country and from eighty-two of the attorneys from whom inquiries were made. Replies from the deans showed that 33 per cent favor some college training, varying from one year to graduation.

From the bar examiners and officers of the American Bar Association replies showed 48 per cent favor either a college degree or some college training, 25 per cent favoring a college degree.

An analysis of these answers shows that substantially 50 per cent of the whole number of deans, examiners and Bar Association officers answering inquiry with regard to this matter favor some college training, while 44 per cent favor only high school training.

Upon the period of law school attendance required, there is substantial unanimity on the part of two-thirds of all answering the inquiry that a three-year law school term for day schools is most desirable and that four years should be required for evening schools.

In answer to inquiries with regard to clinical work, a decided difference of opinion exists, both with deans and practicing attorneys, growing largely, however, from different views taken as to the meaning of clinical instruction. In some instances it is construed to mean such clinical instruction as in medical schools would be termed "bedside instruction," i. e., actual experience and experiments by way of trial of cases or advice to clients who are unable to retain the services of attorneys. Another view is the practical drafting of papers, carrying on of litigation in moot court and practice courts. The latter is quite generally favored, while the former is in the main thought undesirable as distracting the attention of the student and taking up time which could better be devoted to the work of the school.

As to the nature and extent of character examination on and before examination for the bar, there is a consensus of opinion that such examinations and inquiries are entirely insufficient to uphold the character and standing of the bar, but no adequate remedy is suggested for this condition of affairs, and in almost every instance the statement is made that the person answering the inquiry is unable to suggest any remedy. Wherever the method that has been carried on in the city of New York is known and understood, the view appears to be that it is the very best in its effect and desirable that it should be introduced and carried out in other jurisdictions.

Inquiry was also made with reference to the examinations for the bar in different jurisdictions. Here a very wide difference of opinion manifested itself, dependent upon the standard

for admission in the different states and the methods of examination, which vary to a greater or less extent in every jurisdiction. Of the Boards of Bar Examiners, Dean Pound says: "Some are good, some are indifferent, some are positively bad; in many none whatever exists." It may be said with reference to the methods of examination in this state that they compare more than favorably with those in any other jurisdiction judging from the reports made by the residents of other jurisdictions, and by a report made by the members of a conference conducted by the Carnegie Foundation after an examination of questions put in other jurisdictions, found "that for sustained excellence throughout the act, the New York questions in the opinion of the conference are the best of all those submitted," and indorsed by the active manager of the Carnegie inquiry, who says that "The New York Board is many laps ahead of bar examiners and practitioners elsewhere in their understanding of this problem (Legal education) and in their ability to take constructive steps toward its solution."

As the result of inquiry and investigation of the matters submitted to it, which has been actively carried on for three years, your committee arrives at the following conclusions:

I. That the promotion of the standardization and uniformity of legal education throughout the United States, while eminently desirable and ultimately necessary, cannot at this time be accomplished, and we are unable at this time to suggest any method by which the work of the law schools throughout the country may be brought up to even a moderate standard of efficiency which would fall far below the ideal. The situation in the south and southwest, as shown by reports from these sections, indicates in many instances a very low standard of requirement, both of preliminary education and professional training. Persistent effort to standarize the work should, however, be continued by all who are interested in the subject. Supervision and regulation of legal education by the Federal government is deemed undesirable and impracticable.

II. The raising of the standard of education for the commencement of professional study to the requirement of a college degree is not deemed practicable by reason of the requisite

time therefor, which, if absolutely required at this time would unduly delay entering professional life in very many instances. It is, however, deemed desirable that the educational requirements should be extended beyond the high schools so as to embrace at an early day one year of college work or its equivalent, to be determined by the joint action of the law schools and the education department of the state.

III. The admission of attorneys from states having a lower standard of admission than our own should be carefully guarded against in order to prevent the influx of men who are not up to our standards and who have sought admission in states with low standards with a view to entering our bar later, without examination, by reason of their status in another jurisdiction.

IV. In view of the fact that only five per cent of students presenting themselves for examination for the bar have not attended law school during a part of their period of study, it is not deemed of the greatest importance to enforce attendance upon a law school as a condition of admission. But, in many cases students who have been dropped from the rolls of law schools for inefficiency find their way to the bar after many unsuccessful efforts. The rule suggested would probably relieve the bar examiners, and, in the end, be beneficial to the applicants themselves, and the well being of the community. The desirability of law school training is unquestioned and its necessity is becoming so apparent that in a brief period a student will dispense with it only in very exceptional cases. In the interest of uniformity and in deference to the views of the members of the Board of Bar Examiners of this state whose opportunities for judging as to the wisdom of such a rule have been exceptional, such a requirement may well be made.

V. The view of your Committee is that the requirement of an increase from a three-year course to one of four years by the law schools is undesirable and not practicable at this time except in the case of night schools, where it should be required.

VI. Under the rules of the Court of Appeals for admission of attorneys, as they now stand, a graduate of a college is

not required to serve a clerkship, while non-graduates are required to spend a year in a law office. Under the present rules, the year of clerkship must be continuous. Under the proposed rules, the graduate of a college is required to serve one year of clerkship as in the case of a non-graduate, the rule being that some practical knowledge should be required with regard to the matters of procedure and in order that the student may get what may be termed a "legal atmosphere" before he is qualified to enter upon the practice of his profession. This requirement, however, is modified by omitting the provision that the clerkship must be continuous and providing that time spent in a law office during vacations or at a summer school may be counted on the year, thus enabling the student to complete the required year of clerkship in a few months after graduation. The argument in favor of the omission of the clerkship is that a college graduate should have some advantage in point of time spent by reason of the four years at college, which has very much force, but seems scarcely to overcome the point of view just referred to that some knowledge of the practical side of the law is not only desirable, but necessary. The omission of the requirements for continuous clerkship saves such student a considerable period of time and in view of that fact it seems quite desirable that all law students should be placed on a par as to the requirement of clerkship.

VII. It is considered on all hands and everywhere and is a subject of comment from every jurisdiction that the examination of students as to character is insufficient, and in many instances, is farcical. The method of examination for character in the first judicial district is highly commended wherever it is known and understood, but even that seems to fall short of what should be accomplished in that respect. The necessity for a thorough investigation as to the character of candidates for admission becomes more and more imperative in the interest of the bar and the public. The method in which it can be brought about is a matter with reference to which the observation is made by nearly all who have pressed the matter that they have no suggestions to make by way of improvement. This work should be carried on by an official body having power and authority and means with which to

pursue a rigid investigation of the student from the time of his commencement of the study of law up to the time of his application for admission. No fitter nor more appropriate body, nor one better qualified to take up this work, can be suggested than the Board of Bar Examiners. It seems to be quite germane to their functions, and could with proper organization and facilities afforded it carry on this work more readily and with better results than could be accomplished by any other method which has been suggested to your committee. The subject requires careful consideration, and could the plan suggested be accomplished, would require a fairly liberal appropriation from the state, which cannot at this time reasonably be requested. The suggestion is made with a view to bringing the matter to the attention of the bar with reference to future action, which should be taken as speedily as possible.

VIII. Whether clinical work should be made a part of a law school course depends upon what is meant by the term in this connection. Much confusion has resulted from the different meanings given the term "clinic." However, the consensus of opinion, which is also that of your Committee, is that the carrying on of practice work in moot or practice courts is eminently desirable, if not necessary. On the other hand, that it is inexpedient and undesirable, if not illegal under section 270 of the Penal Law, for students before their admission to the bar to appear in court on behalf of a client, even though without compensation, or even to hold themselves out as giving advice to such clients with regard to their rights and remedies.

Your Committee therefore recommends:

First. That the standard of preliminary study for the bar be raised to a requirement of one year of college training, or its equivalent, such equivalent to be formulated by a majority of the deans of the law schools of the state, and, upon approval by the Education Department, recommended to the Court of Appeals. To take effect July 1st, 1923, as to students who thereafter enter upon the study of the law.

Second. That provision should be made in the rules for admission of attorneys from other states for a closer inquiry

and more severe examination as to the standards of legal education in the states where the candidate for admission to our bar was admitted to practice.

Third. That three years attendance at a recognized law school should be required from a candidate for examination for admission to the bar.

Fourth. That it is inexpedient to require a four-year course in law schools except in the case of evening schools, when it is desirable and should be required.

Fifth. That all applicants for admission to the bar should be required to serve one year of clerkship as provided for by the proposed rules, which year, however, should not be required to be continuous.

Sixth. That careful consideration should be given to the manner in which a more thorough and systematic inquiry can be had into the character of student presenting himself for admission, and means devised by which more satisfactory results may be attained.

Seventh. That practice work in a law school is to be commended, but that it is inexpedient and unwise to require clinical work in the sense of advice to clients by students not admitted to the bar, or attendance in the courts by such students on behalf of indigent clients.

Respectfully submitted on behalf of the Committee.

J. NEWTON FIERO,
Chairman.

December 30, 1920.

Judge Parker, Justice Hughes and Commissioner Irvine concur, except as to the Fifth recommendation.

Mr. Waters concurs, except as to the Third recommendation.

I do not subscribe to the body of the foregoing report, but I concur in the recommendations contained in its concluding paragraph except the fifth.

I do not regard the third recommendation as of very great importance, as most candidates for admission to the bar now receive their training in law school.

The clerkship required of non-college graduates by the rules relating to admission to the bar I regard as purely perfunctory

and of slight educational value. All candidates admitted to the bar do about the same thing for the first year or two after they are admitted to the bar, whether they register their clerkship or not. The chief value of the rule is that it discriminates in favor of the college graduate and is thus some encouragement to prospective members of the bar to secure a college education. For that reason alone I should like to see it preserved in its present form.

HARLAN F. STONE.

J. Newton Fiero, of Albany:

Mr. President: This report has been printed and distributed. I will call attention to the recommendations made in the report and move the approval of the first recommendation which is as follows.

First. That the standard of preliminary study for the bar be raised to a requirement of one year of college training, or its equivalent, such equivalent to be formulated by a majority of the deans of the law schools of the state, and, upon approval by the Education Department, recommended to the Court of Appeals. To take effect July 1st, 1923, as to students who thereafter enter upon the study of the law.

The motion was seconded.

The President:

Gentlemen, you have heard the motion. Are you ready for the question?

George W. Wickersham, of New York:

I would like to ask whether it is the understanding of Mr. Fiero that this qualification thus formulated is to be adopted by the Court of Appeals?

Mr. Fiero:

It is to be recommended to the Court.

Edward H. Letchworth, of Buffalo:

On behalf of the State Board of Law Examiners, I wish to say a word about this recommendation. At the request of this Association, the State Board of Law Examiners a year ago prepared a proposed set of rules for admission to the bar, and in that proposed set of rules, which was submitted at the last meeting of this Association, and is published in the proceedings of the Association, there was not contained this requirement of one year of college work as a preliminary educational requirement for admission to the bar. The reason is not that the State Board of Law Examiners were at all hostile to such a requirement, but that it was felt dangerous to endeavor to adopt the recommendation, raising the standard for admission, at the same time that other steps for raising the standard were being adopted. Now, the experience in Massachusetts is illuminative. In that State, as in New York, the matter of admission to the bar is governed by statutory provision. It is not contained in the State Constitution. There the effort was made to adopt this same qualification for preliminary education, namely requiring one year of college education, and the result was that the Legislature of Massachusetts overturned the entire system of admission to the bar, lowered the standard away below what it was before, and not only defeated the recommendation which we are now discussing, but accomplished very much more in the way of lowering the standards of admission.

It is felt by the State Board of Law Examiners that although this is an ideal, and that the bar ought to work for it, yet that the time is not ripe to ask the Court of Appeals to adopt this additional requirement, at the same time that we are asking them to adopt the recommendation of requiring in all cases a law school education and requiring in all cases the service of one year's clerkship in an office.

I therefore move to amend the recommendation by having the last sentence read:

"To take effect at such time as the Court of Appeals may determine is advisable."

Mr. Fiero:

I accept the amendment.

Franklin M. Danaher, of Albany:

Permit me to say that eventually we will have to come to the view of having a college degree, but there are other sides to the question that should be considered. A high school education is as much as we should require at the present time, and for two reasons: The first is that an additional year is of no use from an educational point of view, and it is discriminatory in that it will keep out of the bar some worthy men up state who live where they cannot well attend college. Out of the 62 counties in this State only five or six have colleges. In the City of New York, there are at least fifteen colleges which give degrees. The result is that the sons of farmers and the sons of mechanics and the sons of small tradesmen upstate, whose environments will not permit them to attend upon a law school for an additional year, will be prevented from entering the bar. Therefore, you will be discriminating against a young man up country in favor of the young man in the city who can conveniently make that extra year in a college.

I move to amend the recommendation by providing that the requirement shall not be made to exceed a four years' course in the high school.

George W. Wickersham, of New York:

I would call attention to the fact that this recommendation does not require a college year, but a college year or its equivalent. That is certainly little enough to enter upon the study of the law. It does not seem to me that the argument that the Legislature may adopt a standard which will lower the standard for admission to the bar, lower than we are willing to stand for, that that ought to prevent our taking this action. We ought to recommend what we think is the proper qualification. There is no country in the world that permits men to become members of the legal profession with such imperfect education as is generally the case throughout the United States. I have had occasion in the last five or

six years to observe the lack of education on the part of a large percentage of the men who come up to the bar in the City of New York, and who have succeeded in passing their examination before the State Board of Law Examiners. They are woefully deficient in many respects; their knowledge of English is of the most imperfect character. Now, unless we can adopt some general qualification for entering upon the practice of the law, and I can imagine nothing more slender than this one year of college work or its equivalent, we better let everybody in without any qualification.

Michael F. Dee, of New York:

As a member, accidentally a member, of the Committee that drafted one of these resolutions, I may tell you what we had in mind in regard to the equivalent. Everybody recognizes that the standard of the first year of college work is by no means fixed. This, that and the other college teach what they see fit in the first year; some of the colleges teach something that you and I might laugh at as a first year of college work. If, as Judge Danaher says, the upstate boy cannot get near a college, why, we would rather he wouldn't go near a college. The great weakness of our law school work to-day is due, as much perhaps as to anything else, to the extreme youth of our students. They do not know how to bring the proper thought to a legal problem. Of course, in the city college, they will get it. The university boys will get it. What we want is something that the law teachers, the judges, the lawyers, know is a fair basis for legal education. If the upstate boy cannot get to a college, why, we would prefer that he take the equivalent. He can study, like Abraham Lincoln, by his fireside. Why, we get men from the city college and from other colleges who cannot talk English, men who do not know the first thing about logic, men who cannot put three sentences together in logical sequence. Now, that is the sort of thing that we want to get away from, and that is the thing that will raise the standard of our law schools.

The President:

The question is on the adoption of the amendment which is that the recommendation be so amended as to provide that

not more than a four years' high school course be required. Are you ready for the question?

Mr. Wickersham:

Let me point out that the adoption of any such provision as that would rule out a very large number of men who now enter the law school directly from the grammar schools. They pass the regents examination. They do not go to the high school. It would not accomplish the purposes in view.

Mr. Danaher:

The high school or its equivalent.

The President:

Perhaps it would be well, Mr. Danaher for you to restate your amendment.

Mr. Danaher:

My motion or amendment was that this recommendation be so changed as to read that if four years' high school work or its equivalent is formulated by the State Board of Education that it be accepted as the proper standard for commencing the study of law.

Mr. Letchworth:

I happen to be from upstate myself. Now, I know that college graduates do not always show any marked superiority over high school graduates in matters of pleading and practice, but I think it is perfectly evident from a reading of the papers that they do show more maturity of mind, a more fundamental grasp of English, and of the rules of logic than do students who come up from the high school. I strongly believe that we ought to adopt this requirement as something to work towards. My only thought was that it was not perhaps wise at this time to require that it be inserted in the rules. But I do think that we ought to work towards it.

The President:

The question is on the amendment proposed by Judge Danaher. All in favor of that amendment will signify by saying

aye; opposed, no. The noes have it and the amendment is lost.

The question now recurs upon the original motion as amended. As many as are in favor of the original motion as amended will signify by saying aye; contrary minded, no. The ayes have it, and it is carried.

J. Newton Fiero, of Albany:

I move the adoption of the second recommendation.

Mr. Wickersham:

I second it.

The recommendation was duly adopted.

Mr. Fiero:

The third recommendation is as follows:

Third. That three years attendance at a recognized law school should be required from a candidate for examination for admission to the bar.

George L. Ingraham, of New York:

Is that proposed to be retroactive as to those who are at present studying law?

Mr. Fiero:

No, sir.

The recommendation was duly adopted.

Mr. Fiero:

The fourth recommendation is:

Fourth. That it is inexpedient to require a four-year course in law schools except in the case of evening schools, when it is desirable and should be required.

As to this recommendation there are two dissents, one from a member of the Committee and another from a gentleman who acted temporarily as one of the members of the Committee.

I move its approval.

The motion was seconded.

Oliver L. McCaskill, of Ithaca:

If this stood entirely alone, I think there could be no objection to it, but coming immediately after the third, which has just been passed, I think it is liable to misconstruction. If it receives the construction that four years of law school work should not be required for admission to practice, why, there would be no objection to it, but I fear that it may be subject to the interpretation that four years is undesirable under the circumstances, and if it should receive that interpretation, I think that would be most unfortunate.

The President:

The language is "inexpedient."

Mr. McCaskill:

In order to clarify that language, I would suggest after the words "law schools" in the second line, that the words "as a condition to admission to practice," be inserted, so that the fourth section will read that it is inexpedient to require a four years course in the law schools as a condition to admission to practice except in the case of evening law schools, etc., etc.

Mr. Fiero:

I will accept that suggestion.

Frederic W. Hinrichs, of New York:

I fail to find anywhere in this report a reason given for discriminating against the evening law schools.

Mr. Fiero:

That was in the last year's report, and in the report of the year before.

Mr. Hinrichs:

It seems to me that this recommendation is somewhat in the nature of class legislation. Now, I think we are all

opposed to class-legislation, or almost all of us, and even those who may be in favor of some class-legislation will at this unsettled time in the history of the world, pause before they will vote for anything of this kind. My experience as to night law-schools has taught me that the men who attend the night schools are the more earnest and diligent of our law-students. It is as in the case of men who work their way through college. My experience with my companions in college was that I found among them the most earnest and the most industrious students,—I mean, those that worked their way through college. Now, I have made inquiry, and I find that the higher scholarship more frequently prevails in the night schools than in some of the day law-schools. The one hundred per cent men are in the former. Why this discrimination is made in the report I cannot understand. The entrance examination in the night-school is the same; the examination at the end of the school-season is precisely the same; the examiners require the same test from the night-school students that they do from the day-school students. If we are going to discriminate we ought to give a good reason for it. I knew a man in college who, by special permission, took a double course, the senior year in the law school and the junior year in the university, and he became the second man in his class at college and the Valedictorian in the law school. System and determination accomplished this result.

I move that in lieu of the motion made by Mr. Fiero, that we reject this recommendation so far as it discriminates against evening law-schools.

Alfred E. Hinrichs, of New York:

I will second that, and I would like to say that Professor Chase, the Dean of the New York Law School, who was a member of this Committee has been very ill, but he was able to prepare a brief on this question which he asked me to present to this meeting. It is, as its name implies, brief; and I ask permission to read it, and then to add a word of my own experience as a teacher in evening schools. Dean Chase has made a rather careful analysis of the facts

set forth in the former report. He discussed the expediency, so-called, of a four year course in the case of the day law school and its expediency in the case of the night law school. I file his brief.

MEMORANDUM SUBMITTED BY GEORGE CHASE, DEAN OF THE
NEW YORK LAW SCHOOL, IN THE MATTER OF THE RE-
PORT OF THE COMMITTEE ON LEGAL EDUCATION:

I.

A member of the State Bar Association, reading the report for 1921 of its Committee on Legal Education, would naturally conclude that the question in regard to the proper length of the course for evening law-schools had been submitted to the Deans of all the law-schools of the country, also to two officers of the American Bar Association in each State, and also to members of Boards of Bar Examiners in the States where such Boards exist (last paragraph on page 4 and top of page 5). It states (p. 5) that the question in regard to the preliminary education for admission to a law school was submitted to all these classes of persons, and says: "An analysis of these answers shows that substantially 50 *per cent.* of the whole number of *deans, examiners, and Bar Association officers*, answering inquiry with regard to this matter, favor some college training, while 44% favor only high school training."

Then, in the very next paragraph, it says "Upon the period of law school attendance required, there is substantial unanimity on the part of two-thirds of all answering the inquiry that a three-year law school term for day-schools is most desirable, and that four years should be required for evening schools."

Who, reading these successive paragraphs, would fail to conclude that both these questions (viz., as to preliminary education and as to the length of the course for evening schools) had been submitted to the same classes of persons? Such, however, is not the case.

In the Report of the Committee for 1920 (at page 320) the following statement is made:

"In 1909 a report was made by which it appeared that although much data had been gathered, it was deemed insufficient to authorize your Committee to make recommendations on the subject intrusted to it. That report contains much valuable data furnished by the *Deans of the law schools* of the country, all of the schools having been requested to furnish information and submit their views on the subject of legal education. It was, however, deemed advisable to collect further information and obtain a wider range of opinion during the present year and for that purpose Questionnaires were sent out to at least three members of the Board of Bar Examiners in each State, and also in order that the views of the members of the Bar engaged in active practice might be obtained, like Questionnaires were sent to the Vice-President of the American Bar Association in each State and dependency and to the same number of members of the General Council of that Association, which consists of a member from each State."

It thus appears that the first series of questions (considered in the Report of 1919) was sent out *only to the Law Schools* of the country, while the second (considered in the report of 1920) was sent to *Bar Examiners* and *leading members of the Bar* in each State.

Considering now the first series of questions we find that there were two questions relating to the length of a law school course. The first was (Report of 1919, p. 354): "Do you favor a four-year law school course as preliminary to graduation? The second was (Id., p. 358): "Do you favor the abolition or restriction or extension of the present three-year period of study for a degree required by the evening law schools?" The second series of questions contained no inquiry relating specifically to evening law schools, but had such questions as these (Report of 1920, p. 336): "What period of law study should be required for admission to the bar?" "Should the applicant be free to secure his training in an office or a law school at his option?" "Should he spend part of the required time in

study in an office, part in a law school?" "If so, how should the time be apportioned?" "Should he take a full course in a law school and graduate therefrom?" "What time should be spent at a law school as a requisite for graduation?"

It is plain, therefore, that down to the present time, the only specific questions in regard to the length of the course at *evening law schools* have been put to the *deans of law schools*, and to no other persons. The result is that while the answers from such *deans* on this matter are numerous (see the Report of 1919), hardly any reference is made to evening law schools in the answers given by the members of the Bar Examining Committees or by prominent lawyers (see the Report of 1920, pp. 337-381). In fact, in the whole forty-four pages of answers given by such persons, only two answers allude to this point. Thus, a lawyer in Washington (*Id.* p. 352) recommends a "three years' course of instruction in *day school* by paid faculty," and a lawyer in Minnesota (*Id.* p. 358) recommends "not less than three years exclusively devoted to the study" though he says he "would make an exception of men who are in business and go to law school *at night*."

The Committee on Legal Education of this Association have, as above stated, already expressed the opinion (Report of 1920, p. 320) that the answers given in the Report of 1919 to questions which were only responded to by Deans of Law Schools, were "insufficient to authorize them to make recommendations on the subject intrusted to it." They also said (Report of 1920, p. 321, last par.) "Upon further consideration, your Committee deems it desirable, before making any recommendations, to obtain the views of the Bench and Bar of *this State* upon the matters referred to it."

But notwithstanding these repeated expressions, the Committee has, in this report of 1921 submitted recommendations to the Association in regard to evening law schools, without having obtained the views on this subject of the Bench and Bar of this State, or of other States. Should they not, in view of their own opinions on the question, have first obtained the views of all these classes of persons for their own enlight-

enment, and then have set them forth in this Report of 1921 for the enlightenment of the members of the Association, before asking the members to take action on the matter? Would not the proper action of the Association to-day, therefore, be the same as was taken a year ago with the report then submitted, viz., adopt a motion that the report be received and placed on file and the Committee continued? (Report of 1920, p. 320.)

II.

In this report of 1921 (p. 5, par. 5), the Committee say: "Upon the period of law school attendance required, there is substantial unanimity on the part of two-thirds of all answering the inquiry that a three-year law school term for day-schools is most desirable, and that four years should be required for evening-schools."

The question relating to evening law-schools was as follows: "Do you favor the abolition or restriction or extension of the present three year period of study for a degree required by the evening law schools." (Report of 1919, p. 358.) To this question there were seventy-one answers of more or less definiteness from the eighty-four law schools to which the inquiries were sent. But of the seventy-one, fifteen favored four years for both day and evening schools, five favored three years for evening schools, one favored five years, one suggested six or eight years as preferable though he was opposed to evening schools altogether, several answered "yes" and several "no," so that their answers were something like a "negative pregnant,"—and the result, therefore, is that there are only about thirty-six law schools left, out of eighty-four consulted, which favor three years for day schools and four years for evening schools. And, as already explained, the views of the Bench and Bar of this and the other States on this question have not been obtained at all.

III

The Committee say further, in this report of 1921 (p. 8, subd. V.): "The view of your Committee is that the requirement of an increase from a three years' course to one of four

years by the law-schools is undesirable and not practicable at this time except in the case of night schools where it should be required."

Why it should not be "practicable" to maintain the same length of course at both day schools and evening schools is very hard to see. It has been done at several law schools in this city for the past ten or fifteen years, with complete success. Both kinds of schools have had the same requirements for admission, have been subject to all the rules laid down by the Court of Appeals regulating admission to the bar, and their students have had to pass the same examinations held by the same Board of Law Examiners. The Committee quote on page 6 of their present report the high praise which was given by the members of a conference conducted by the Carnegie Foundation, who reported, after an examination of questions put in other jurisdictions, that, "for sustained excellence * * * the New York questions * * * are the best of all those submitted," and that "The New York Board is many laps ahead of Bar Examiners and practitioners elsewhere in their understanding of this problem" (of legal education). And yet, notwithstanding the severity of the examinations held by this Board hundreds of evening school students, as well as of day school students, have passed these examinations successfully and entered upon the practice of the law. Furthermore, this same Board of law-examiners is so well satisfied with the work of both classes of students, that in the body of rules which they propose to the Committee to regulate admission to the bar for the future (Committee's Report for 1921, p. 4), they still advise the same law school course for both day and evening students, viz., three years. Certainly, therefore, the continuance of this practice must be deemed "practicable."

By a process of *a priori* reasoning, some lawyers argue that evening school students cannot have as much time for study as day students and, therefore, require a longer period of years to cover the same ground. But the experience of instructors who have taught evening schools has shown that these arguments are fallacious. They find evening students oftentimes more serious and earnest in their work than day

students, and that their scholarship is equal or superior. They are in general poorer men than day students, and only by a great sacrifice in time and money can they take a law school course at all, and these are powerful forces urging them to save every minute they possibly can for study.

IV.

On page 7 of this report of 1921, the Committee refuse to recommend the requirement of a college degree before entering a law school because "this would unduly delay entering professional life in very many instances." They therefore only favor one year of college work or its equivalent. In this way they would add one year or its equivalent to the preparatory work required of both day and evening students. But for evening students they would add besides one year of law school study. Thus for evening men there would be added two years to the present three-year requirement.

This seems an unjust disparagement of evening students as compared with day students, and nothing in the record they have made in the law schools of this State seems to warrant such disparagement. The rules of the Court of Appeals have been made more rigorous for admission to the bar in the course of years, the bar examinations by an examining board of the highest repute in the country have grown more severe, and the investigation as to character in the part of the State where these evening schools are established, is the most exacting of any known throughout the States, and yet the majority of evening school students, as well as of day school students, have met these severe tests successfully. The barriers that have been set up to keep back ill-prepared or unworthy men are to be commended, but if students can overcome them, what matters it whether they attend school in the day or in the evening. Should not the evening men, since they have greater difficulties to meet, be deemed worthy of special praise rather than blame? Surely there is no ground for discriminating against them. Moreover, the bar examinations may be relied upon in the future, as in the past, to keep from the bar those who are not properly qualified.

The reports of the Committee do not show that any actual investigations have been made to really ascertain whether evening school students are poorer in their studies than day school students. All they state against the evening men consists of the opinions of the deans of a limited number of law schools throughout the country, recommending a four years' course for evening law schools. Nothing is stated to show how many of these deans are connected with schools which have evening departments. Their opinions, in some cases, are stated in language which indicates unreasoning prejudice. Before, therefore, a year is arbitrarily added to the time required of evening students before they can be admitted to the bar, ought not a careful inquiry to be made to learn how good a record the evening schools in this State have made? For it is upon the schools of this State that the action of this Association, which is also an organization of this State, will have any effect. It is believed that the members of the Association, if they really knew what work had been accomplished by the evening law schools of this State, would be proud of them instead of being inclined to disparage them.

Alfred E. Hinrichs, of New York:

From 1892 to 1904, I was on the faculty of the New York Law School. During many of those years we had a morning, an afternoon and an evening class. Lately I have again been doing some instruction work in that school, and we now have a day session and an evening session. Let me tell you my experience has shown me two things, first, that it does not make very much difference whether a man has a college education or not, or whether he has had one year in college or not, but that it all depends upon what sort of an education he has had. I have had men from the leading universities of the country who could not speak English, who couldn't reason straight, and I have had men from the work shop who could do both. Make the standards as high as you please, but make them uniform as to everybody. Do not discriminate against those who have worked for their education, as distinguished from those who have received it as a gift, and sometimes most ungratefully, from parents or guardians

Second, that as between the day student and the night student, my experience is that the bright particular star of each class is found in the evening division. That is not equivalent to saying that the average attainment of the evening division is as high as the average attainment of the afternoon division, but the night men are earnest, more industrious and more practical than the men in the afternoon classes. Make your requirement four years of college if you like, four years of law school, if you please, but do not discriminate against the men who have got to work for their degree in favor of those who can make it much more easily.

Adelbert Moot, of Buffalo :

Just a word about discrimination. In the City of New York you have any number of high schools, day schools and night schools. The course in the day schools is four years and the course in the night schools five years. Why? It is not because brilliant young men are not to be found in the night schools, but because in the large majority of cases, in the average case, the fatigue of the day, the hours that can be given at night, make it necessary to provide for five years period of study. I haven't any doubt that our friend who has had experience is correct in his observation as to the earnestness and brightness of the boys in the night schools, but the test is the average, and the average student cannot do the requisite work for bar examinations in three years in a night school that can be done in three years in a day school.

Oliver L. McCaskill, of Ithaca :

I do not think there should be any unfair discrimination against the night schools. I have taught in day schools and I have taught in night schools, and my experience is that you do find perhaps more earnest young men in the night schools than you will find in the day schools on the average. However, that is more of a past condition than it is a present condition. This I have noticed, however, and it seems to me it is the fundamental difference or reason for the distinction. The young man who goes into the night school, after his occupation during the day, is not as able to concentrate his

mind and attention upon his study, and the result is that the instructor in the night school has to do much of the thinking for the student. He summarizes the work, he ladles it out, as it were, and the student takes it as soothing syrup on a spoon. He can pass bar examinations with it, but it is not his independent thought, his independent labor. Because of the limit of time in the evening the class must necessarily discuss fundamental principles, or, if it does, not for the same length of time that is given in the day school. We must study rules of law as such, and the students are taught the rule because it is a rule, but they do not have the opportunity to deliberate upon these things, and to make it a part of their legal thinking. The day law schools do afford time for all of that. I am frank to confess that all of our students in the day schools do not avail themselves as they should of their opportunity. We do have loafers there. Perhaps the percentage of loafers is somewhat larger than in the night schools, but the average is decidedly improving of those students who are doing real sound thinking, with the result that when they come to the class room the instructor does not have to go into detail so much with them. The student has to work for himself, and it is only the real difficult problems that the instructor need take up in the class room. I also had the opportunity of teaching for a time in the law school which required a college degree as a prerequisite, and I found that it was best to discuss general principles and leave details for the student to gather for himself. The work is graduated according to the preliminary experience of the man and according to the time that he has at his command. Now, it is because a day law school man has this opportunity, has this time, and it is his business, and no man in the modern day law school has any time and cannot loaf if he wants to do his work, he should be busy from nine in the morning until ten at night, if he really improves his time, and if he does improve his time and his opportunity he comes out with a legal mind, and well equipped for the practice of his profession.

It is for these reasons, as it seems to me, that a discrimination is made between the night and day law schools.

Michael F. Dee, of New York:

It occurs to me that if the truth of this situation can be put before this body we will not have to be afraid as to the fairness of your decision. I suppose most of you are unfamiliar with the relative value of the day law school and the night law school work. I submit that there is no information before you now upon which you can intelligently decide. Now, if that be so, isn't it a pretty drastic position to take that the evening law school man shall have to put in one more year of time before he can begin the practice of law? We ought to have some detail, some more concrete information.

Now, I am going to give you a little personal account. I am the acting head of the Fordham Law School downtown and have been for eight years, and I have been teaching there for twelve years. We are teaching the case system. We use the Harvard case books and we teach the students precisely as subjects are presented in the Harvard Law School, both in the afternoon class and in the evening class, and the students are taught on the subject by the same instructor. We have the same course of study and the same number of hours in both divisions. We have the same examination. The State Bar Examiners give our men the same examination whether they come from the day school or from the night school. Why shall we say *a priori* that the man that studies under electric light has got to study for four years instead of three years? Are not the hours devoted to study in the night school as long as the hours devoted to study in the day school?

Mr. Moot:

Not quite.

Mr. Dee:

Well, about four-fifths, perhaps. Do not have any misapprehension about the day school as contrasted with the evening school in the matter of time. There are four law schools in this city that conduct evening classes as well as day classes. One of them conducts a class for a cer-

tain number of hours in the morning, and the same number of hours in the evening, and also the same number in the afternoon, three distinct pieces of work, equivalent hours, and just the same work. Now, is it going to be said that that day school is different from that evening school? Our school is exactly equivalent, day and evening, time, effort and result.

The President:

Are you ready for the question?

Abraham Benedict, of New York:

In spite of the time that has been taken in discussing this matter, is it worth while to vote upon it? I move that it be tabled.

The motion was seconded.

The President:

All in favor of the motion to table this recommendation will signify by saying aye; contrary minded, no; the ayes have it and it is so ordered.

Mr. Fiero:

I suppose that carries the first part of the provision, namely, that it is inexpedient to require the four-year course?

The President:

Yes, sir.

Mr. Fiero:

Now, the fifth recommendation is as follows:

Fifth. That all applicants for admission to the bar should be required to serve one year of clerkship as provided for by the proposed rules, which year, however, should not be required to be continuous.

As to that there are six dissents, and, in addition to the dissents which appear in the printed report, there are two others which came in too late to be printed. I submit the recommendation without argument, and move its approval.

The motion was seconded.

The President:

Are you ready for the question?

George L. Ingraham, of New York:

Of course, I have had twenty years experience in relation to the examinations of young men coming up for the bar, both by State Examiners and by the Committee on Character. When the Appellate Division in this Department was first organized, my associates made me a Committee of One to examine all these questions and report to them. I went through a period in touch with the State Examiners, in touch with the deans of law schools, and especially in constant communication with the Committee on Character in this Department. We found two quite important questions: That is, the necessity that a student who had passed through a law school should have, prior to the time that he submitted to examination, given practical demonstration of the fact that he had studied, that he knew what he had been taught in the law school; that he should have a practical experience as to the application of the rules to a concrete state of facts. No man is fitted to practice law—and when a man is admitted to practice, he is qualified, the Court certifies that he is qualified—to advise clients and to become an adviser and to practice law. We found many cases where students were vitally deficient because there was not that application of legal principles to the concrete facts presented that there should have been.

I graduated from Columbia Law School in 1869, when the diploma from the law school entitled me to be admitted to practice. When I got through that year I thought I knew all the law that anybody ever knew, and that I was quite capable of practicing law. I remember the first time that I went down to the office in which I became a clerk shortly after my admission. One of the partners gave me a promissory note directing me to draw a complaint on it. I spent three days on that complaint. I think I had ten or twelve pages written out, and I took it in to the partner who had instructed me to draw it. He read it over with a most amused countenance and said to me: "You have got it all in here, but there is a lot of it that is really

unnecessary." I have never forgotten that experience. That was the result of my not having been in an office as a clerk prior to my admission to practice. Some gentleman has said that anybody who wants to practice law will get his information as to practice and as to the method of applying rules to facts after he is admitted to the bar. But is it fair to make that part of the education of a lawyer after he is admitted to practice rather than before? All of our experience here has shown us that it is absolutely essential that a lawyer should have some knowledge of the actual practice of the profession before he is admitted to practice it.

Then in regard to the examination as to character of applicants for admission to the bar. I think this year in a law office should be essential on the character question also. It has been established by my many years here that a man, presenting himself before the Committee on Character, if the Committee found nothing against his character, was admitted. It occurred to me that the matter of character of a lawyer was a most essential thing, just as essential as the knowledge of law, and that it was up to any man who asked to be admitted to practice that he should himself establish the fact that he was of good character. Much of the discipline that we administered afterwards was the result of a lack of knowledge of the candidate before he became a lawyer. One thing then was that we should in some way or other get a tab upon the man who aspired to be a lawyer. The only way that we could do that was to compel him to put in a year in a lawyer's office, and then, if the lawyer was a reputable practitioner himself, he would be able to judge to some extent of the man's character at the end of the year, and he could come and tell the Committee on Character just what the man's character was. If he had developed a mental crookedness it would break out in that year. So it was upon the recommendation of the Appellate Division in this Department that the Court of Appeals adopted this method of requiring each man, before he was admitted to practice, to pass some time in a lawyer's office so that we could have some evidence as to his character, some method

of ascertaining whether or not he was a proper man to be admitted to the profession. I think that afterwards all the members of the Committee on Character expressed to me that that was the great criterion, that they would have to ascertain just what a man was and whether he should be admitted to practice or not. So all of the time that I was in the Appellate Division it seems to me that the requirement was the greatest reform, or the greatest amendment, that they had made for the benefit of the bar, and it is that experience that I have laid before you. I sincerely hope that this requirement of work in an office for one year shall be continued as it is more essential than any other one thing, I think, before a man is admitted to practice.

Oliver L. McCaskill, of Ithaca :

I quite agree with Judge Ingraham that our law schools have possibly neglected a valuable field of legal education, in that we have devoted too much time to teaching principles of law, and have not devoted enough time to teaching the student how to apply those principles to concrete states of fact. Our work has not been constructive in its character. That lack, however, is being supplied in a few of the law schools of the country to-day, and it is being applied more and more every year.

With reference to the value of the practice court in the law schools. We most of us have the conception of the old moot court, in which we argued propositions of law as upon appeals. We have all probably come to the conclusion that while there is some value in that, yet a man does not learn very much about practice in that way. There has come to be placed in the law curricula, however, work of an entirely different character, work in the drafting of legal instruments, work in the drafting of pleadings, and work in the trial of issues of fact. There is some difference of opinion among legal educators as to whether this latter can be done, and as to whether it is worth doing, even if it can be done. Upon that I express no opinion, except to say that it is in the experimental stage, and there are eminent men who feel that it is being successfully done somewhere and that judges of our Court of Appeals who

have inspected such work have given their approval to it and feel that that practice can be taught. It is possible to teach practice in the law schools, and, if that is possible the teaching of practice can be given in the law school, where it is the business of the instructor to see that he covers a large field, and it is a question whether or not that kind of instruction is not far more valuable than one year or even three years of clerkship in the modern law office. In the law office nowadays, the young men get very little instruction. Judge Ingraham suggests that it would be highly advisable to take the year in the law office. But the young man to-day does not get any instruction in the modern law office. He gets no legal instruction and very little legal atmosphere surrounds him, because he is a clerk, and not very much of a law clerk at that, except that he is hanging around in a law office. In view of the fact that we have now a four years requirement for admission to the bar and that we do not require four years of law school work at the present time, this requirement of a year's clerkship is an invitation to law schools to extend their course and to give valuable work in practice, in a practice court, and, if that can be done to meet the approval of the Court of Appeals, why is not that gaining in legal education? I therefore propose this amendment to the rule, to carry out that idea: Following the rule as it now reads, to add these words: "Such year of clerkship may, however, in the discretion of the Court of Appeals be excused in the case of applicants who have successfully completed a four years' course of study in an approved law school containing substantial instruction upon the subject of practice, equivalent, in the judgment of the Court of Appeals, to such instruction as would be received in a year of clerkship."

That leaves it entirely within the discretion of the Court of Appeals.

George L. Ingraham, of New York:

I hope that amendment will not prevail. I do not know what experience the gentleman has had in law offices in New

York, but I know in my office that every clerk is constantly instructed and he is given legal work to do in relation to the subjects which we have on hand in the office.

Edward H. Letchworth, of Buffalo:

On behalf of the Law Examiners I would like to say that the Board is in accord and in favor of the recommendation of the Committee. In this recommendation Mr. Frank Sullivan Smith, who was formerly a member of our Board, concurred. Our experience leads us to believe that there is no difference in the grasp of the principles of practice and pleadings shown by college graduates, and that shown by men who are not college graduates. The rules at present discriminate between college graduates and non-college graduates, on this point, requiring those who are not college graduates to have a year's clerkship, and excusing from the year's clerkship those who are college graduates.

I was admitted under this provision, and because I happened to be a graduate of a college I was admitted without having to serve a clerkship; and I know that I was not fit to practice law until I had completed the year's clerkship in the office of a practicing lawyer. We believe, from our experience in reading actual examination papers, that there is no valid ground for the present discrimination.

The President:

Was the amendment offered by the gentleman from Ithaca seconded?

A Member:

I seconded it.

The President:

Are you ready for the question on the amendment? As many as are in favor of the amendment will signify by saying aye; contrary minded, no. The noes have it, and the amendment is lost.

The question now recurs on the original motion. Are you ready for the question on the original motion? As many

as are in favor of it will signify by saying aye; contrary minded, no. The ayes have it, and it is carried.

Now, to save time I will put the question on the next recommendation.

Sixth. That careful consideration should be given to the manner in which a more thorough and systematic inquiry can be had into the character of a student presenting himself for admission, and means devised by which more satisfactory results may be attained.

Mr. Fiero:

I move the approval of that recommendation.

The motion was seconded.

The President:

Are there any remarks?

Mr. Wickersham:

I have no objection to that, except that it follows a report in which there is a recommendation, and, in order that it may not be taken to be the recommendation of this body, I move to amend by adding to this sixth provision the words:

“This Association, however, does not approve the transfer of the work from Committees on Character and Fitness to the State Board of Law Examiners.”

In the course of the report the observation is made, which is not embodied in the recommendation, and therefore not concurred in, and to my knowledge it was not concurred in by some of those who concurred in the report, that the work of examination into the character and fitness of applicants for admission to the bar should be carried on by an official body having the power and authority and means with which to pursue a rigid investigation of the student. Now, with that I am fully in accord, but with what follows—transferring this duty from the Committee on Character to the Board of Law Examiners, I am not in accord; I am against that.

I do not mean to say that the State Board of Law Examiners, if so constituted, and if located here, could not do this

work satisfactorily, but I happen to be a member of the Committee on Character in this department, and I know the great work that has been done and is being done by the Chairman of the Committee, former Justice Leaventrith, who has devoted years to the gradual perfection of a system which commands the admiration of every man who has become a member of the Committee. In his absence, and at his request, I am here to call the attention of this body to the system, and I will simply content myself with reading a letter from the Presiding Justice in this Department, Judge Clarke, on this subject.

New York, January 19, 1921.

My Dear Mr. Wickersham:

You have called my attention to a report of the New York State Bar Association Committee on Legal Education which it proposes to offer at the ensuing meeting of the State Bar Association in which it recommends that the examination into the character and fitness of applicants for admission to the Bar be devolved upon the State Board of Law Examiners.

For many years the rules have provided for a Committee on Character in each Department. In the First Department we have had committees composed of the leaders of the Bar, who as a professional obligation have given considerable time and most faithful and intelligent service in examining into the character and fitness of applicants to the Bar, both those coming in upon examination and upon motion from other States. There are admitted in this District from 450 to 500 candidates a year and our present system has worked very satisfactorily. I do not know and cannot imagine any reason for a change except it be that notion that some people have, that everything that is, is wrong, and that a change of whatever is, is reform. It appears to me that to turn over the examination into fitness and character to the Board of Law Examiners of three men, covering the whole State, would be a great mistake. It would be impossible for them, as it seems to me,

to do the work for the whole State that is done by our Committee in this city, and therefore such work would be perfunctory in character and depend upon written certificates and endorsements which do not always disclose the real facts. The work of the Committee in this Department has been most valuable. It is much better that improper men should be kept out of the Bar than that subsequently they be thrown out after their character has been demonstrated in actual practice.

As the Appellate Division of the Supreme Court is given entire charge of the admission of attorneys and of disciplinary proceedings of attorneys it seems to my associates and myself as revolutionary, illogical, unreasonable and unwarrantable that our control over the important question of character of applicants through our own committee should be taken away and given to Law Examiners with whom we have no contact, appointed for an entirely different purpose and who, it would seem, have enough to do in determining the mental qualification of candidates.

We are unanimously and absolutely opposed to the proposed change.

Very truly yours,

JOHN PROCTOR CLARKE.

George L. Ingraham, of New York:

I desire to second Mr. Wickersham's motion. My experience has shown me that it must be a committee, a local committee, a committee having knowledge of local conditions, such as they are here in New York City, that can get to the bottom of a charge against a candidate or who can get to the bottom in an investigation into a candidate's character. It would be a great misfortune, one which I could hardly contemplate with equanimity, to take away from the Appellate Division and from the Committee on Character, the great work that it is doing in this City.

Mr. Fiero:

There is no recommendation to that effect, Judge Ingraham. It was only a suggestion.

The President:

The point of Mr. Wickersham's amendment is to clarify the recommendation so that there shall be no doubt that the Association has not concurred in such a recommendation.

Mr. Fiero:

I will accept the amendment offered by Mr. Wickersham.

Franklin M. Danaher, of Albany:

Let me say that the members of the Board of Law Examiners had no idea that this subject was to be presented. Indeed, we should shrink from having anything of the sort thrust upon us. We have no power and no authority to examine into the character of candidates, and we do not want any such power. The responsibility should be where it is now, upon the bench and bar, in the locality where the applicant lives. Such a suggestion is unnecessary, uncalled for, and it would be productive of no good whatever.

Chase Mellen, of New York:

For many years, Mr. President, I have been a member of the Disciplinary Committee of the City Bar Association. Our experience is perhaps helpful in convincing those, if there are any such, who hesitate to vote for this amendment proposed by Mr. Wickersham. It is amazing to us when we contemplate that it has been possible for some men who have come before us charged with offenses to get by the Law Examiners and the Committee on Character and be admitted to practice law. That, of course, is not so noticeable in the lawyers who have been admitted to practice in recent years, since this very admirable Committee on Character has been doing such great work. I do not think this Association can do anything more important than to adopt the recommendation which will lead to the most thorough inquiry into the character and fitness of candidates, and that is being done by the Committee on Character, and they are the proper ones to have control over it. I am heartily in favor of Mr. Wickersham's amendment.

The President:

I think if there were similar character committees in the other departments of the State, doing the kind of work that is being done by the Character Committee in New York, it would be very much better for the profession throughout the State.

Mr. Fiero:

Up state we have a condition of demoralization in this regard, I am sorry to say.

The President:

The question is on the amendment by Mr. Wickersham. The letter from Justice Clarke will be filed and made a part of the record.

The amendment was duly adopted.

Mr. Fiero:

Now, the next is the 7th recommendation.

Seventh. That practice work in a law school is to be commended, but that it is inexpedient and unwise to require clinical work in the sense of advice to clients by students not admitted to the bar, or attendance in the courts by such students on behalf of indigent clients.

I move its approval.

The motion was seconded and the recommendation was duly adopted.

Mr. Fiero:

I now move that the Committee be continued, in order that the matter of character be taken up and some means devised which will lead to the establishment of such a system in the up-state departments.

The motion was seconded and duly carried.

The President :

The Association will now stand adjourned until 8:30 o'clock this evening at the Hotel Astor, when the annual address will be delivered by Hon. George Sutherland, former United States Senator from Utah. The subject of his address will be " Principle or Expedient."

The Association will convene to-morrow morning at half-past nine o'clock.

EVENING SESSION

NEW YORK, *Friday, January 21st, 1921.*

The Association met in the auditorium of the Hotel Astor for the purpose of listening to an address by Honorable George Sutherland, former United States Senator from Utah.

President Nathan L. Miller, presiding.

The President :

Ladies and Gentlemen, we are especially favored to-night. We have with us a gentleman who has rendered distinguished public service in the Senate of the United States, and who occupies a position of eminence in the public life of America and at the American Bar—I have the honor of introducing to you Hon. George Sutherland.

Senator Sutherland :

Mr. President, Gentlemen of the New York State Bar Association, Ladies and Gentlemen.—It is a very great honor to have this opportunity of addressing the members of this organization, an Association of lawyers which in dignity and standing ranks second only to the American Bar Association. It is a great honor also to be presented to such an audience as this by your distinguished President, a man who has been a great lawyer and a great judge, and who will be a great Governor of a great State.

Senator Sutherland then delivered the annual address as follows:

PRINCIPLE OR EXPEDIENT?

There is nothing more unfortunate in governmental administration than a policy of playing fast and loose with great economic and political principles which have withstood the strain of changing circumstance and the stress of time and have become part of our fundamental wisdom. We must, however, distinguish between such principles and sundry respectable old saws and adages which pass current as guiding principles simply because they have an air of wisdom and nobody takes the trouble to analyze them. A very distinguished political philosopher of a bygone generation, for example, summed up one of the cardinal doctrines of his faith in the phrase: "That government is best which governs least." The aphorism is as fallacious in one direction as the counter-assertion, "that government is best which governs most" would be fallacious in the opposite direction. The government which governs least is that of the savage tribe, while the government which governs most is a despotism. Too little government and too much government lie at the opposite extremities of social management, and both are bad; for if too little government tends toward anarchy, too much government carries us in the direction of tyranny and oppression, and, in the language of Wendell Phillips, "kills the self-help and energy of the governed." Obviously, therefore, that government is best which governs neither least nor most, but just enough. But, even that indubitable statement of the matter, while theoretically unobjectionable, does not, for practical purposes, bring us anywhere, since it furnishes no intelligible standard for determining what is just enough government, and no two individuals would be likely to ever agree upon its application in specific instances.

A principle to be of any value, therefore, must be not only sound and just, but capable of practical application to the affairs of life. In other words, it must be definite as well as righteous. Conditions which such a principle governs may change — indeed, in this forward moving world of ours, they must change — but the principle itself is immutable; once righteous it is always righteous. When it ceases to be operative

it is not because the principle has become wrong where it was once right, but because under altered conditions it no longer applies. The neighborhood grist-mill after the farmers of the locality have substituted the cultivation of potatoes for the growth of wheat, may go out of business for lack of suitable material upon which to operate, but it will remain potentially as much of a grist-mill as it ever was. And so with the sound principles of government. They can not be laid aside from time to time on the ground that they have ceased to be sound principles, but only when there is no longer appropriate occasion for their application.

The difficulty with so many of our political reformers is that they lack a proper sense of discrimination. Finding that something has gone wrong with the social organism they are prone to conclude that some fundamental rule which has theretofore governed its operations is at fault, when, in fact, the trouble lies outside the scope of the rule altogether, or, not infrequently, is due to its violation and not to its enforcement. In consequence, wise and wholesome principles are discarded and unjustly fall under the condemnation of the public with the result that matters grow worse instead of getting better. After a lingering period of inconvenience and suffering, the truth is finally rediscovered and the old principle re-established and society slowly recovers from the effects of its painful and altogether useless experience.

We have a very recent case in point. We have been passing through an unpleasant period of advancing prices which began by being vexatious and ended by becoming intolerable. Laws to punish the profiteer in time of war, crudely framed and hastily enacted, were brought to bear on the situation; government agencies were invoked to search out the offender and expose him to public scorn; irritating regulations were devised; indictments were sought and returned; prosecutions were carried forward and the criminal convicted, or the innocent acquitted under precisely similar facts according to the taste of an impartial jury and the accidental bent of the judicial mind. Now the old principle, proven by centuries of experience under all conceivable circumstances, applicable to such matters in time of peace is that government should confine its activities, as a general rule, to preserving a free market and preventing fraud, but otherwise leave prices to the auto-

matic control of the economic law of supply and demand. But our officials, having first worked themselves into a state of mind on the subject, threw the principle, with all the confirming lessons of the past, into the scrap-heap and turned the matter of price control over to the constabulary. The legal officers of the government in a condition of more or less excitement, made extravagant promises to an equally excited public to the effect that an end would be made of high prices by putting those who exacted them in jail, where they would obviously be unable to charge high prices, being unable to charge any at all.

The profiteer was threatened and prosecuted; penalties, both legal and extra-legal were inflicted upon him — all without the least avail so far as the promised relief was concerned. Prices did not fall. On the contrary, they rose, mounting in perverse and insulting disregard of the hopeful speculations of the Department of Justice, and despite all statutes and regulations and prosecutions to the contrary intent. And then all at once this world old economic law brought about the result which statutes and official regulation, and legal fuss and fustian, had been utterly unable to accomplish, and prices began to fall. They have proceeded so far already in their descent that we have become as much alarmed over falling prices as we were theretofore enraged over rising prices, and Congress has been engaged in devising plans to intercept the reverse movement of this great, imperturbable economic force in response to a demand quite as frantic as that which a short time ago had induced the effort on the part of the government to check the advance, and with probable consequences no less disappointing. The whole process has been absurdly futile, but it has also been expensive and in some respects tragic, so that one knows not whether tears or laughter be the more appropriate emotion.

All of which brings me to the point which I want principally to emphasize, namely, that there are certain fundamental social and economic laws which are beyond the power, and certain underlying governmental principles, which are beyond the right of official control, and any attempt to interfere with their operations inevitably ends in confusion, if not disaster. These laws and principles may be compared with the forces of

nature whose movements are entirely outside the scope of human power. We may temporarily divert the small tributaries of the Mississippi from their natural channels in the uplands, but who is so vain as to attempt to control the forces of gravity which will finally bring their waters down to the accustomed level or change the course of the great river itself in its majestic journey to the sea?

And so with the attempt in question. A few selfish shopkeepers were terrified into good behavior for a time; a few hoards of sugar were confiscated; a few profiteers were penalized for the benefit of charity and a few were indicted and convicted. But the ultimate end sought remained as far away as ever. The trade of the country obstinately refused to foresake the determining control of the great law of supply and demand in spite of every official effort to turn it aside.

One trouble, and perhaps the most serious trouble, is that people expect too much of the government. They seem to forget that it is a creature wholly of their own making, and come to look upon it as a species of Providence which can work miracles of beneficence if it only will. But government is neither all wise nor all powerful. I do not agree with some that it is an unnecessary evil that should be abolished, nor with others that it is a necessary evil that must be borne, although I am bound to say that it escapes the latter characterization sometimes by a very narrow margin. It is simply a fallible, human contrivance, under more or less wise and more or less foolish and more or less skillful and more or less stupid management, and consequently a mixture of success and failure. As a result of long and varied experience a fund of useful information has been slowly acquired, and it is the part of prudence that those who are called upon to direct the operations of government should utilize this great store of accumulated wisdom for their guidance, not in slavish adherence to mere use and wont, but with the discriminating intelligence of men who seek the best rather than the newest. In saying this, I hope not to be accused of being old-fashioned, for I sincerely believe myself to be fairly progressive. I know I am not reactionary, unless a perverse tendency to put a

good deal of faith in experience and very little in mere experiment, can be so characterized. There are, nevertheless, I may say in passing, some very old-fashioned things that are still generally accepted as authoritative: the multiplication-table, the Sermon on the Mount, the American Constitution, for example. One occasionally meets with a person calling himself a progressive who seems to proceed upon the theory that an idea ought to be approved merely because our fathers rejected it, or rejected simply because our fathers believed in it. But that is not progress. It is stupidity; and quite as objectionable as it is to cling to a doctrine simply because our fathers clung to it. I have always thought that the advice of Paul furnished a fairly good working rule, although it is something like two thousand years old: "Prove all things and hold fast that which is good." Moreover, in the application of the maxim, I find myself strongly inclined to resolve any doubt which may arise in my mind, in favor of those doctrines of the fathers which still endure, because I feel instinctively that if they were not right somebody would have discovered it and suggested a change long ago.

In a progressive society, to be sure, government will from time to time require readjustment, but in society, as in nature, there are few cataclysms. Changes come, sometimes slowly, sometimes swiftly, but usually step by step. The face and form of society, like the face and form of nature, as a general rule, change by imperceptible degrees. Occasionally such changes do not excite our attention until their accumulated effect has become so great that the necessity for radical alteration is made suddenly apparent, in which case it ought, of course, be made unhesitatingly, however sore for a time the wrench may leave the body politic. But, generally speaking, changes in law and government should be made deliberately after patient and thorough consideration and only in response to changed or changing conditions, or clear demonstration of the fallacy of the old rule, and then only to the extent which necessity requires. The careful husbandman sprays the infected leaves and lops off the diseased branches in preference to uprooting the tree. The political crusader of our day, on the contrary, goes up and

down the land, hoping for the worst, inculcating the gospel of pessimism that "whatever is is wrong" and seeking to uproot great and noble principles in order to overcome a small evil that needs only to be sprayed, or, perhaps, left alone to work its own cure.

If the history of human government has taught one lesson more definitely than another, it is that every attempt to remedy an undesirable condition by setting aside some great fundamental principle has not only generally failed, but has generated consequences more seriously unfortunate than the original evil itself. Having met an emergency, real or fancied, by the sacrifice of a principle, the lost ground is never completely repossessed, and sometimes never recovered at all. The violation having begun on the plea of necessity, is continued on the score of expediency and, finally, as a mere matter of course. The inflexible rule in all such cases should be *obsta principiis*.

It is one of the anomalies of representative government that it is often the people who have themselves established the principle who most strenuously demand its violation. With painstaking care they limit the powers of their official representatives by specific constitutional provisions, and then not infrequently turn their best energies in the direction of having the limitations disregarded and abuse those most who most faithfully follow their permanent will and reject their temporary fancies. Our Constitution is not a mere collection of political maxims to be followed strictly or loosely or occasionally or not at all, as governmental agencies may interpret the majority or even the unanimous sentiment of the moment, but it is, what it declares itself to be, "the supreme law of the land" to be adhered to under all conditions and at all times, until it has been altered in the formal manner pointed out by the instrument itself. Self-government, if it means anything, means the exercise of sufficient self restraint on the part of the people to uphold their own fundamental law against every temptation to subvert it. In the last analysis, the continued existence of the republic itself depends upon the faithful maintenance of that course, and can survive no other, for only thus can we preserve the character of our institutions as a government of

laws and prevent their degeneration into a chaos of fleeting and fickle emotion.

A government of laws! These four words, perhaps the most significant in our political language, describe the fundamental quality of the American system of government upon which, for their chief security, all our civil and political liberties depend. They express a principle without which a just relation between the rights of the individual and the requirements of the social organism to which he belongs could not be maintained. The spirit of them has been woven into and through the fabric of our state and national polity, and so long as it abides there we shall never become subject to the arbitrary will of an autocrat, because it precludes the effective operation of the arbitrary will of anybody. That spirit is the inspiration of the Bill of Rights in every American constitution, the fundamental reason for the separation of the three several departments of government, the very soul of the free institutions under which we live. Older than the Union or the Constitution, the principle animates the great charters of English liberty from Magna Charta to the Bill of Rights. The strength of its influence may be measured throughout the history of civilization by the rise and fall of autocratic power, because to the precise extent that official will has from time to time taken the place of standing law as the rule of human conduct, a government of laws has been supplanted by a government of men.

In his essay on Civil Government, John Locke, more than two hundred and fifty years ago, wrote as follows: "And so, whoever has the legislative or supreme power of any commonwealth is bound to govern by established standing laws, promulgated and known to the people and not by extemporary decrees; by indifferent and upright judges who are to decide controversies by those laws; and to employ the force of the community at home only in the execution of such laws, or abroad to prevent or redress foreign injuries and secure the community from inroads and invasion. And all this to be directed to no other end than the peace, safety and public good of the people."

These are golden words that might have been written

yesterday after a century and a third of constitutional government in the United States, so accurately do they describe the functions of our legislative, judicial and executive departments and the great purpose of their aggregate powers.

Before the Federal Constitution had taken form, Maryland had written into her Bill of Rights the provision: "That the legislative, executive and judicial powers of government ought to be forever separate and distinct from each other."

The Constitution of Massachusetts declares in more elaborate terms: "In the government of this commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judiciary shall never exercise the legislative and executive powers, or either of them"; and then adds, in words which have become classic in our political literature, "to the end it may be a government of laws and not of men."

These latter words are not contained in the Constitution of the United States, and are not to be found in any other of the state constitutions so far as I know, except in the most recently adopted constitution of Alabama. Nevertheless, they are implicit in all the constitutions, since they constitute merely the formal expression of a conclusion which logically follows from the separation and exclusive character of the several departments. The framers of the Federal Constitution contented themselves with the simple affirmative bestowal upon Congress of the legislative powers granted by the Constitution, upon the President of the executive powers, and upon the Supreme Court and the inferior federal courts of the judicial power of the United States. The respective states of the Union have generally followed a similar course; but in all instances, whatever the language, the end is the same as though the impressive words of the Massachusetts Constitution had been employed. This common agreement respecting the separation of the three branches of government would not only seem to be convincing proof of the wisdom of the plan, but it

constitutes a striking example of the essential homogeneity of the American system of government. The plan itself, when its purpose is understood, is not a matter of mere form or convenience, nor is it a mere expedient of governmental mechanics. It is basic and vital. It rests upon the foundation which at last upholds free government itself; for free government comes to an end whenever the accountability of the individual to society may be fixed and adjudged and enforced by the same man, or set of men, since that would inevitably come to mean that he would hold his rights and his liberty not under standing impartial laws but under and in conformity to special and changing opinions, influenced perhaps by the exigency or, it may be, by the prejudice or the mere whim or caprice of the moment. The guaranties for safe-guarding life, liberty and property, freedom of speech, of the press and of religious worship, and all the other guaranties of the Constitution, would be of little value if their interpretation and enforcement depended upon arbitrary, shifting, temporary official edicts instead of the calm, judgment of the judiciary under the general law of the land.

It is true that each of the departments, by an occasional express provision, has been given some specific power which, by its nature, falls within the general scope of the powers of another department; but this is a rare exception and serves really to emphasize the otherwise inviolate character of the general plan.

If it be so important in the interest of the rule of law to separate the several departments and confine each of them to the exercise of its appropriate functions, it is no less important that each should be made and kept completely independent of the others — not independent in the sense that there shall be no co-operation in carrying out the provisions of the Constitution to a common end, but in the sense that the action of each shall never be controlled by, or subjected to the influence of, the others, or either of them. James Wilson, in one of his law lectures, said that the independence of each department required that "its proceedings should be free from the remotest influence, direct or indirect, of either of the other two powers." And Jefferson said: "If the

three powers of our government maintain their mutual independence of each other it may last long, but not if either can assume the authority of the other;" and not, I may add, if either can assume authority *over* the other. The matter is one which the people themselves may easily control. They constitute the principal and these departments their several agents, and like any other form of agency the responsibility of each is to the principal and not to a co-agent. But the people sometimes seem strangely indifferent to this fundamental fact and not only fail to insist upon its observance, but often encourage and applaud the very subordination of one of their co-equal agencies to another, which the spirit of the relationship as well as the spirit of their own Constitution, emphatically condemn.

This is especially so in the matter of executive interference with the legislative branch of the government concerning which, if I may be allowed to quote from myself, I said upon another occasion:

"The office of President has grown in potency and influence to an extent never dreamed of by those who framed and adopted the Constitution. Even in normal times, Congress has been subjected to such a degree of executive domination as to threaten the stability of the principle of departmental independence involved in the distribution of the several powers among the three branches of government. There is a popular, ever-increasing disposition to regard the President as a superior officer rather than as a co-equal member of a tripartite organization. In times of public danger or disorder this tendency is greatly accentuated, and it is under all conditions a matter for serious concern, fraught with grave suggestions of peril. In great crises, the people not only turn to him as their natural leader, which he is, but they are coming more and more to regard him as the sole repository of their power which, very decidedly, he is not. With the advent of war, he is clothed, by the popular imagination, not only with all the imposing habiliments of military leadership, which are his by right, but with the role of virtual political dictatorship as well, an investment of power no President should ever be allowed to assume, and a burden of responsibility no President should ever be called upon to bear. The

danger from such a situation is that Congress will be driven from its traditional and constitutional place in public thought, as a co-ordinate branch of the government, with the unfortunate result that subordination and obedience will tend to replace common counsel and team work. Of course, in time of war, the chief reliance must be the President, and every power which will aid in the successful prosecution of the war should be freely and promptly given him by Congress, not because the President demands it, but because, in the judgment of both Congress and the President, it is wise and expedient that it should be granted. But the possession of power carries with it corresponding responsibility. The war powers, with the exception of those pertaining to the office of Commander-in-Chief, are vested in Congress, and that body must exercise its own judgment with respect to the extent and character of their use. The advice and counsel of the President should be given great weight, but the acceptance of the President's recommendations must be the result of intelligent approval and not of blind obedience. Any other course involves a double betrayal of official trust — usurpation of power by the President and abdication of duty on the part of Congress."

When the bill for organizing the government of India was pending in the British Parliament and great opposition to certain of its features had developed, King George III made it known that whoever voted against the bill would be regarded as unfriendly to the Crown; whereupon the House of Commons by a large majority resolved that: "To report any opinion, or pretended opinion, of his Majesty upon any bill or other proceeding pending in either House of Parliament, with a view to influencing the votes of the members, is a high crime and misdemeanor, derogatory to the honor of the Crown, a breach of the fundamental principles of Parliament and subversive of the Constitution of this country."

I do not hesitate to say that in my opinion there have been occasions in our own history when a like sturdy spirit of independence on the part of Congress would have been just and wholesome.

But confusion of governmental functions and usurpation of power is not the only way by which the rule of men may

be substituted for the rule of law. There are other insidious, but no less dangerous methods. The maintenance of a government of laws includes something more than the enactment of legislation; indeed, legislation may itself subvert the principle. To satisfy its requirements it is not enough that the condemnation of the individual or the interference with his activities may be traced to a statute. The statute may not be law. It may be contrary to the Constitution, in which event it is a nullity. It may fail to furnish the rule which is to govern the conduct of the individual, or it may leave the rule to be made by some other body, in which case it is no law, for the power to make law cannot be delegated. There is no difference in principle between a statute which assumes to empower an official to control the conduct of a citizen under provisions so general that the extent of the authority cannot be measured, and a statute which directly forbids the doing of an act in terms so vague that men of intelligence must necessarily guess at its meaning, and differ as to its application. In the one case, as in the other, it is not law which prescribes the rule of conduct, but it is the man or men charged with the administration of the statute; and it is of no material consequence that in the one case the rule is prescribed by an administrative agency and in the other by a court, for when it comes to *making* law a judge and a constable stand upon the same footing of incapacity. There are many illustrations in the books of statutes so vague as to be non-enforceable. The rule and the reason for the rule are admirably and succinctly stated by Chief Justice Waite, in *United States v. Reese*, 92 U. S. 214, 220, where he said:

"Penal statutes ought not to be expressed in language so uncertain. If the Legislature undertakes to define by statute a new offense, and provide for its punishment, it should express its will in language that need not deceive the common mind. Every man should be able to know with certainty when he is committing a crime. * * *

"It would certainly be dangerous if the legislature could set a net large enough to catch all possible offenders, and leave it to the courts to step inside and say who could be rightfully detained, and who should be set at large. This would, to

some extent, substitute the Judicial for the Legislative department of the Government."

There is a provision in the Chinese Code, quoted by Justice Brewer in a case reported in the 85 Federal, which illustrates the kind of legislation thus condemned. It reads:

"Whoever is guilty of improper conduct, and of such as is contrary to the spirit of the laws, though not a breach of any specific part of it, shall be punished by at least forty blows, and when the impropriety is of a serious nature with eighty blows."

We are not without examples in our own country of legislative nets equally expansive. An Arkansas statute, held void by the Supreme Court of that state, made it a crime to "commit an act injurious to the public health or public morals or the preservation or obstruction of public justice, or the due administration of the law." An Indiana statute, likewise condemned by the Court, penalized the hauling of a load of more than 2,000 pounds on a narrow-tired wagon, or of more than 2,500 pounds on a broad-tired wagon, over roads in a condition to be cut up and injured by heavy hauling.

In view of the conflicting decisions of the lower Federal tribunals, I hesitate to express an opinion as to the price regulating provision of the Lever Act, but if the Supreme Court shall hold it to be void for uncertainty I, for one, shall not quarrel with the determination. I should not like to characterize a provision that makes it a penal offense to "make any unjust or unreasonable rate or charge in handling or dealing in or with necessities", as a piece of mere, vague moralizing like the Chinese statute, but it does seem to fall somewhat short of prescribing a rule of conduct with that definiteness which will enable "every man * * * to know with certainty when he is committing a crime."

But our chief danger lies not so much in vague statutes as it does in the growing extension of vaguely conferred powers in the hands of administrative bodies. In state and nation there is an alarming increase of official agencies whose powers thus tend, more and more, to become arbitrary, and lead us further and further from the rule of law. If anything goes wrong, or a large number of people con-

clude that something has gone wrong, the remedy almost invariably suggested is an allopathic dose of legislation. The general sentiment is that if we only have a law on the subject, and particularly a rigorous law, everything will immediately be made alright. We do not give ourselves time to study the conditions or consult the precedents so as to determine whether the symptoms point to a serious disorder, or mark a mere irregularity in an otherwise normal and healthful development, or, indeed, whether they simply indicate a perfectly proper but unfamiliar condition, due to the great changes which are continually taking place in our modern life. But the demand at once and imperiously goes forth for the enactment of a statute to be administered and amplified by a bureau or commission. The result is that our political establishment is steadily losing its character as a government of laws, and individuals and corporate bodies are becoming less and less able to determine, by reference to fixed rules, what are their rights and duties and responsibilities, and more and more reduced to the necessity of guessing what they may do with the reasonable hope of satisfying not the law but the views of some more or less intelligent administrative body.

Not only is the growth of personal and bureaucratic government undermining the fundamental qualities of our institutions, and becoming intolerably vexatious by reason of the arbitrary interference in affairs hitherto considered essentially private, but it is becoming exceedingly burdensome by reason of the constantly increasing cost of its maintenance.

The one law which all bureaus and commissions seem to definitely agree upon is the law of expansion. Having been created and set in motion, they defy all efforts of their legislative creators to confine them to their original limits, but reach out and absorb a constantly increasing degree of power and continually add to the number of their agents and employes and the expense of their operations. What succeeding generations will be obliged to face I do not know, but this generation has seen the growth of a comparatively modest official establishment to a vast army, far exceeding, in my judgment, any reasonable public need. It

is safe to say that if our various governments were managed in the same spirit of economy and intimate responsibility which actuates the management of our great business concerns, at least one-third of this army could be relegated to private life. I do not know precisely what proportion of our people is so engaged, but in municipality, state and nation it runs into the millions — far exceeding the number of the employes on all the railroads of the country. Six years ago, for example, the number of persons on the federal civil service rolls, was a little over 200,000. Today, as I am credibly informed, it is approximately 700,000.

It is evident that this appalling increase in the number of our official servants cannot go on without producing something approaching a breakdown in our affairs. Expenditures so vast and so out of proportion to the increase in our wealth and population, if continued, must inevitably bring us to a point where private resources will fail. It is only a moderate appeal to the imagination to suggest that the day may not be far off when the government will be supporting so many that nobody will be left to support the government.

I spoke a few moments ago of the economic folly of attempting to control the movement of prices of ordinary commodities by legislation. Not only is any such attempt futile from a practical view point, but it constitutes a distinct departure from the great political principle we have just been considering. The power to fix prices by law or administrative order has been uniformly denied by the courts save in those exceptional cases where the business or the service is clothed with a public interest. In all other cases the owner has an inherent, constitutional right to the market price, fixed by what is called the "higgling of the market," irrespective of the extent of his profits. Such a right is, indeed, itself essentially property which stands upon an equality with life and liberty, under the guaranties of the Fifth and Fourteenth Amendments.

We have been compelled, from time to time, to listen to a great deal of nonsense on the subject of property. We have been warned by the demagogue not to exalt property above the man. Of course, the enforcement of the Due Pro-

cess Clause can have no such effect, for it is not the right *of* property which is protected, but the right *to* property. Property, *per se*, has no rights; but the individual — the man — has three great rights, equally sacred from arbitrary interference: the right to his life, the right to his liberty, the right to his property. Any one who has read the history of feudal Europe; who has measured the steps by which the freeman slowly emerged from a condition of serfdom; who has understood the process by which the reign of law supplanted the reign of absolutism, will not fail to see that the three rights are so bound together as to be essentially one right. To give a man his life but deny him his liberty, is to take from him all that makes his life worth living. To give him his liberty but take from him the property which is the fruit and badge of his liberty, is to still leave him a slave. A Russian writer has said that "liberty and property entered the hut of the serf together." If the time shall ever come in this country, as it has already come in poor distracted Russia, when the property of rich or poor may be taken by the hand of arbitrary authority, liberty and property will depart together, and the rule of law, so far as these rights are concerned, will have ceased to be.

The vague feeling which some people have that the struggle to own and retain possession of property falls a little short of being completely respectable, is generally confined to property of an extensive character. There is no thought of questioning the sacredness of the thrift stamp, or of the family cow, or of the lowly cot by the brookside; but bonds, or sleek herds on a thousand hills, or mansions overlooking Central Park from the east side, are altogether sinister and suspicious things. I personally entertain a very well settled opinion that society, including the very rich themselves, would be greatly benefited if the few who have great wealth had less, and the vast number who have very little had more. But I know of no way of making the adjustment without the consent of those whose property would be depleted. And that this is so is one of the great blessings of our constitutional heritage, and one to be guarded with the utmost jealousy; for if the hand of power shall ever be permitted to take from "A" and give to "B" merely be-

cause "A" has much and "B" has little, we shall have taken the first step upon that unhappy path which leads from a republic where every man may rise in proportion to his energy and ability, to a commune where energy and sloth, ability and ignorance, occupy in common the same dead level of individual despair. Any attempt to fix a limit to personal acquisition is filled with danger, since, being arbitrary, it is sure to be fluctuating, tending always toward narrower and narrower limits and, in the end, destructive of that great incentive to individual effort which is furnished by the feeling of certainty that one will be allowed to enjoy the fruits of his own industry and genius. The course of safety for society, as well as liberty for the individual, is to make and enforce laws which will keep free the gates of equal opportunity to all, compel an honest contest, and let the rewards for diligence fall where and how and in such measure as they may.

We cannot maintain a government of laws if the rights of some men are submitted to the test of liberty, and the rights of others to the test of power. We cannot have liberty itself in any real sense if we act upon the theory that liberty is a right to do as *we* please, and prevent others from doing as *they* please. Hence any law which arbitrarily separates men into classes to be punished or rewarded, not according to what they do but according to the class to which they are assigned, is odious and despotic, no matter how large a majority may have approved it. I have personally the greatest possible sympathy for the farmers of the country who have been first to feel the hardship of falling prices, but legislation which proposes to extend special and exclusive aid to them is almost sure to be, in one way or another, at the expense of other classes of our citizenship. Apart from all other consideration, the danger of all such legislation is that it may constitute the first link in a chain of precedents which, beginning in necessity, passes from one gradation to another until, at length, it rests in mere favor.

Not so long ago Congress enacted legislation which attempted to exempt combinations of farmers and horticulturists and workmen from the penalties of the Sherman Anti-Trust law, while leaving combinations of business men subject to it.

The right of farmers to form associations and the right of workmen to form unions for the purpose of improving their condition and advancing their legitimate interests, is beyond question. The one may cease to produce and the other to work, as they please. In a government founded upon individual liberty these rights are fundamental. An organization of farmers, or an organization of workmen is, *per se*, entirely legal, but so is an organization of business men. It is only when such an organization has for its object the restraint of interstate commerce, or is, in fact, utilized for that purpose, that it becomes amenable to the Sherman Law. That law is perfectly indifferent to organizations for other purposes. But restraint of trade is interdicted and denounced as an offense, and if restraint of trade be an offense when effected by a combination of lumber dealers it is, to my mind, a perversion of all logical processes to contend that restraint of trade is not an offense when effected by a combination of farmers or workmen; and no such distinction can be made unless we are prepared to incorporate into our political system the new and dangerous doctrine that the character of the actor, and not the quality of the act, shall be the test of culpability.

I have a very firm conviction that the tendency to control our activities by statutory rule is being over-emphasized. Too many laws are being passed in haste. Too many that simply reflect a temporary prejudice, a passing fad, a fleeting whim, a superficial view or an exaggerated estimate of the extent, or a mistaken impression of the quality of an evil. Many of the evils sought to be governed by legislation would rectify themselves under the powerful force of public sentiment. Many of them would be automatically corrected as a result of the unpleasant consequences which follow their indulgence. The truth is, that, as we grow in intelligence the consequences which follow good or bad conduct more and more control our behavior. In our dealings with one another we are not controlled by statute law which visits an infraction of its terms by *punishment* more or less uncertain, more or less delayed, and more or less severe, half so often as we are by the unwritten moral law the violation of which automatically imposes certain definite, unpleasant *consequences* upon the violator, which, like the consequences following the violation of a physical law — as, for example, an attack of indigestion after

an indiscreet dinner — promote repentance and reformation more surely than a statutory penalty.

In determining whether legislation affecting individual conduct is justified there are always two things to be balanced against one another, namely, the evil of the objectionable conduct and the evil of curtailing individual freedom of action; and the great factor of determination in each case is whether the harm resulting from the objectionable conduct is of so grave a nature as to justify its suppression by a resort to the opposing evil of interference with the freedom of the individual. It is a melancholy fact, but a fact, nevertheless, that a good deal of well intended legislation which has been passed in disregard of this principle, has brought evils greater than they have suppressed.

Society is not a machine without inward powers, but an organism which grows, and, of its own accord, increases in complexity; and, as its activities change and expand, we must expect alterations in and additions to the rules which control and direct its movements. Enlargements in their scope and operation are inevitable. It is as vain and foolish to seek to confine these restless, expanding, ever-changing activities to fixed and immutable methods of regulation as it is vain and foolish to undertake to limit the activities themselves. But human judgment is fallible; human nature is infinitely varied; and government that depends upon the one and deals with the other can never become an exact science. It will remain, to a greater or less degree, what it has always been, a field for experiment where fact and fancy sow the seed, and sweet or bitter experience reaps the harvest of wisdom or of folly, which results. I do not imagine we shall ever have a government founded upon perfect wisdom. But, if wisdom is to preponderate in the one we now have it must not be allowed to wander too far from the sphere of its normal and traditional functions, nor interfere overmuch with the liberty of the individual to work out his destiny here and his salvation hereafter in his own way. We cannot go forward without following new paths, but we shall tread these paths with far surer steps under the illuminating guidance of great and permanent principles which have never failed, than we shall by the doubtful leading of expedient which seeks only to satisfy the command or desire of the moment.

Elihu Root, of New York:

Mr. President, I rise for the purpose of proposing that this Association now follow its established and honorable custom; and in making this proposal I am animated not only by a long friendship and esteem for the distinguished orator of the evening, but by a deep and grateful appreciation of the strong and wholesome and much-needed words which he has spoken.

I move, Sir, that the Hon. George Sutherland, of Utah, be elected an Honorary Member of the New York State Bar Association.

Motion seconded from all parts of the auditorium.

The President:

You have heard the motion of Senator Root which has been so generally seconded. As many as are in favor will signify their approval by rising. The motion prevails.

Senator Sutherland, I am very much honored by this opportunity to extend to you the invitation of the New York State Bar Association to become an Honorary Member.

Senator Sutherland:

Mr. President and Members of the New York State Bar Association, I thank you from the bottom of my heart for this very great honor.

The President:

The meeting stands adjourned.

MORNING SESSION

Saturday, January 22, 1921.

The President:

The Association will come to order.

Virgil K. Kellogg, of Watertown:

Mr. Henry Crofut White, former Chairman of the Committee on Publication of Legal Notices, has asked me to present the following report which he prepared for that Committee.

REPORT OF THE COMMITTEE ON PUBLICATION
OF LEGAL NOTICES*To the New York State Bar Association:*

Your Committee on the Publication of Legal Notices respectfully reports as follows:

This Committee was originally appointed to investigate and if possible obtain relief from the abuse existing with respect to judicial direction for the publication of legal notices, such as citations, notices to present claims against decedent's estates, and summons, in newspapers having only a nominal circulation and understood to be conducted purely for the profit derived from such advertisements.

This investigation revealed the existence in New York County of a large number of such papers, at least one of which was of a character highly detrimental to public morals, some of which occupied offices that could scarcely be found, and none of which appeared to have any other purpose than income from this species of patronage or to be in the slightest degree effectual in carrying out the legislative intent, to establish such procedure as should convey actual notice.

In Kings County the situation was somewhat different — many of the papers thus favored having an actual, although purely local circulation and legitimate purpose, but not appearing to be likely to give any actual notice.

Through the instant co-operation of the then presiding Justice of the Appellate Division, First Department, Hon. George L. Ingraham, Rule 86, Gen. Rules of Practice, was promulgated, providing that no such publication should, by any Court, Judge, Surrogate, or other judicial or public officer, be ordered to be made in any paper except one of the list designated by such Appellate Division as having a circulation calculated to give public notice, no paper to be so designated except after a statement filed showing the approximate amount of its circulation, the time and place of its regular publication, and a statement of its charges.

Numerous efforts were made without success to obtain the passage of a like rule by the Second Department. Personal

conference with the then Surrogate, Hon. Herbert Ketchum, resulted only in a statement by him that he believed the whole requirement of publication to be practically useless; that in his county the charges of papers of the nature indicated were considerably less than those of regular newspapers; and that he accordingly refused to strike papers of the former class from his approved list.

It appeared, and appears to your Committee, that public respect for the law and its administrators cannot be better inculcated than by a whole-hearted compliance by the Courts with its spirit and intent, and that this respect is of greater importance than any saving to individual estates. If the law has ceased to be useful, amendment — not evasion — would seem to be the only proper course.

With this in mind, your Committee was proceeding with a systematic examination of all statutes, with a view to complying with the Association's direction to submit statutory amendments covering the subject, when the former Chairman was first prevented from continuing his labors, and, subsequently, obliged to offer his resignation from the Committee. This branch of the work was, therefore, temporarily suspended. Unaware of the appointment of his successor, at whose request this report is submitted, such former Chairman, noting in the election of Surrogate Wingate a possibility of progress toward the desired goal, conferred with him at length upon the limitation of publications to real newspapers.

Such conference, however, developed the fact that while Surrogate Wingate cordially approves of the general principle, he agrees with his predecessor in feeling that economy for the individual estate should take precedence over enforcement of the spirit of a law which he believes to be extravagant and inefficient. A ready promise was, however, given by him to require all papers, as a condition precedent to being designated as the medium of such publications, to file in the Surrogate's Court an affidavit of their circulation and place of publication, thus insuring at least some demonstration of their substantial existence.

Your Committee has not been unmindful of the further recommendation of the Association that it should institute measures toward the abolition of the publication by the State of statutes and other like matters upon the ground of the inutility of this practice under modern conditions and the vast expense thus unnecessarily entailed. Its investigations, however, have led to a belief that for the initiation of the project some opportune time, resulting from political or other special changes, might better be awaited. For various reasons this time seems just to have arrived and the Association's attention will be called to the matter upon the presentation of this report.

It is with the greatest regret that the outgoing chairman is forced to withdraw from this work before he could draft such proposed changes in the new practice act as would do away with the necessity of more than a nominal expenditure by any one party or estate for service by publication—a change which long study and reflection has rendered evident can be accomplished by a provision that all of each class of such publications shall be made under one standing head, containing all of the formal matter; the individual insertion thereunder to include merely the particular names and addresses, which would frequently involve not more than two or three lines. This regret is, however, much lessened by the fact that in the larger experience of the incoming Chairman the Association will find a wiser and more efficient guide in this work.

It is fair to say that while the above is submitted as a report of the Committee, it has, perforce, been completed at too late a date to submit to the individual members for their criticism or approval.

Respectfully submitted on behalf of the Committee.

HENRY CROFUT WHITE.

Virgil K. Kellogg, of Watertown:

At the time of my conference with Mr. White I understood that he was to embody in his report the recommendation, which has subsequently been embodied by the President

of this Association in his message to the Legislature, that the publication of the Session Laws, which has certainly developed into one of the most extravagant wastes, should be abolished, and that the Legislature be asked to repeal that law and eradicate it from our history, if you please.

I desire to make two motions. The first is that the Committee on Legal Publications be continued, and that the matter be referred to them to formulate some Statute which will have the desired curative results and to bring it before the Legislature.

The motion was duly seconded and carried.

Mr. Kellogg:

Now, the second motion is that the recommendation of the President of this Association, contained in his Message to the Legislature, be approved.

Mr. Forster:

I second that motion.

A. T. Clearwater, of Kingston:

I had prepared a memorandum and a resolution upon this last subject, which I should like to offer as a substitute for the one suggested by Mr. Kellogg, because it expresses much more definitely what I regard as the sentiment of this Association upon this subject. It is as follows:

The members of this Association, long having regarded the publication of the Session Laws in the newspapers as an obsolete method of informing the people of the provisions of legislative enactment and as a useless and wasteful expenditure of the public funds, hereby heartily approve and endorse the recommendation of the Governor of the State that such publication be abandoned and that all Statutes providing for it be at once repealed.

Mr. Kellogg:

I am glad to accept the substitute.

The motion was duly carried.

The President:

Next is the report of the Committee to act upon the Recommendations of the Conference of State and Local Bar Associations.

Julius Henry Cohen, of New York:

The report of the Committee to act upon the recommendations of the Conference of State and Local Bar Associations presents some serious and very important questions. I shall briefly state what these questions are, and doubtless, because of the crowded condition of the calendar, the consideration of some of them will have to be postponed.

The first question relates to the organization of the Bar itself, and the recommendation of the Conference is that every State Bar organization be incorporated and that every member of the Bar be made a member of the State Bar organization. That is a big question. It goes to the life of our organization.

The second question relates to the definition of the "Practice of the Law," and what constitutes the practice of the law. That question goes to the life of the lawyer and the life of the community as affected by his relationship to it.

The third matter covers three questions, that were discussed in the Conference:

1. What are State and Local Bar Associations doing to impress upon the people of their states and communities the vital importance of respect for the law?
2. How can the influence of such Associations in that field be increased?
3. What are the State and Local Bar Associations doing to promote knowledge and understanding on the part of the people of their states and communities of the fundamental principles of American institutions?

The recommendations of the Conference are that these three questions be discussed by every Bar Association in the country, and that their answers as to what they are doing be given by their delegates at the next Conference.

It is obvious that proper consideration of all of these matters cannot be had to-day, Mr. President. Indeed, I may say in the strictest confidence, as a director of the New York County Lawyers' Association, that these recommendations have suggested the calling of a special meeting of that Association so that the Bar might have ample opportunity to discuss all of them. But it would be unfair to the Conference and unfair to this Association, too, if I did not at least present the matter involved so that this Association might itself determine how best to handle them in its programme.

Some years ago there was created, under the inspiration of Senator Root, an Annual Conference of Bar Associations, consisting of the delegates from the American Bar Association, delegates from State Bar Associations, and delegates from Local Bar Associations. So successful has that Conference been that the expressions of opinion coming from it are second only to the expressions of opinion coming from the American Bar Association. Three delegates from each state association and two delegates from each local association are appointed to attend these Conferences. Last year, at the Conference held in St. Louis, this Association was honored by being represented by Judge Sutherland, of Rochester, and Mr. Martin Conboy, of New York. The associations throughout the country send their best men to these Conferences. The discussions are most informal. Questions of importance to the public and the Bar are taken up and discussed. The Conference has no authority to bind any state association or any local association. All it may do is to consider and to recommend; and it is these recommendations made at the last meeting of the Conference that are presented by your Committee to-day, which has, in turn, considered the recommendations and reports them for your consideration now. The Conference became a section of the American Bar Association at the meeting in St. Louis last year. At the meeting of the Conference in 1919 there was a discussion concerning which a report was made here last year upon the subject of the practice of law by trust companies, by corporations, and by lay individuals. The resolution adopted by that Conference, which you approved, may doubtless have been forgotten by

all except those interested, and I, therefore, ask you to be good enough, in order to have my time and yours, to read the resolutions which appear on page 3 of the appendix to our report, while I proceed to outline the situation.

Those resolutions called for the creation of a committee of lawyers of the Conference to prepare a brief on the subject of what constitutes the practice of the law. The committee appointed was a very eminent one. It included Senator Sutherland, of Utah, whom we all heard delightedly last evening; John Lowell, of Massachusetts; Judge Clarence N. Goodwin, of Chicago; William H. Piatt, of Missouri, and Hugh Henry Brown, of Nevada. So important did this association regard the matter of the preparation of that brief that it appointed a special committee to aid the Committee of the Conference, and, in its report to the Conference, the Committee of the Conference made its acknowledgments to this association for the aid it had received in the preparation of that brief. We thought it important enough to reprint that brief, and it is now appendix A of our report. The committee of three consisted of Mr. Conboy, Mr. Henry W. Mack and myself, and our definition of "the practice of the law" will be found as an appendix to the brief, the brief being Appendix A.

The Committee of the Conference endeavored in this brief to collate the authorities bearing upon the subject of the proper field of the practice of the law and the adequate protection of the community against injurious practices by laymen and by corporations. It considered the matter first from the broad angle of what should properly be regarded as "the practice of the law." It then furnished the information as to what was the status of the common law and what the statutory law was upon the subject, and then recommended what in its judgment should be the proper scope of the practice of the law.

There is contained in the written report a definition by the Committee which differs, in some respects, from the definition submitted to the Conference by your special committee. A resolution was passed by the Conference on the motion of

your delegate, Mr. Conboy, to the effect — the report having been approved and accepted by the Conference — that the definition of the “practice of the law” contained in the report should be urged upon all State Bar Associations, that they might secure that definition enacted into Statutory law. That resolution of recommendation was carried, and it comes to you to-day with the recommendation of the Committee that you consider the matter carefully.

In that connection Mr. Boston — who, himself was a delegate from the New York County Lawyers’ Association to the Conference at St. Louis — takes exception to the definition adopted by the Conference. We urge upon your attention his objection, which is to certain phases of that definition, which he believes were adopted inadvertently. I do not concur with him in the belief that they were adopted inadvertently. The lawyers of the country in that Conference felt differently than does Mr. Boston upon certain phases of this question, and the majority view differed with his view. But be that as it may, the question is a large and important one, and we ought not hastily to approve of the recommendation of the Conference without giving adequate consideration to every objection that can be made to it.

The proper procedure would be for each and every member of this Association present to read the brief of the Committee of the Conference, to study carefully the definition submitted by our Committee to that Committee, the exceptions approved by the Conference, and the exception taken by Mr. Boston. It would be most unfortunate if this meeting goes by without some action on the part of this association, because the Conference will meet in Cincinnati next August, and it pays great respect to the views of the New York Association, and, if we are silent upon that question on this important matter, we will not be counted and our influence will not be felt. I leave that matter now in the hands of the association, because obviously the question of whether that matter should be taken up at this time, in view of other matters, upon the calendar is a question of how best it can be disposed of with both justice and celerity.

The other matter arises in this fashion. There was presented at the Conference in 1909 the question of the better organization of the Bar of the entire country. The American Judicature Society had prepared a plan. Senator Root, who was presiding at the Conference, in very impressive language urged upon the delegates present that they should carefully consider this new plan for the organization of the Bar, bringing to their attention the fact that the Bar was not having an influence upon public opinion equal to the forces of other agencies that were influencing public opinion, and that it was highly important that the Bar of each State should be organized and should be an official part of the organization of the judicial system of the states. That plan, proposed by the American Judicature Society, was presented at the Conference, and it was presented by Mr. Herbert Harley, a very able student of legal questions, it was discussed from various angles, and then a committee was appointed to consider the problem of State Bar organizations, and Judge Clarence N. Goodwin, of Chicago, was made Chairman of that committee. He conferred with Mr. Byrne, of this Association, who had been appointed a special representative of this association to aid in the consideration of this problem with Mr. Boston and others. He conferred with the representatives of associations throughout the country, and he himself was invited to speak; and, as a result of that discussion, Western organizations—more alive, perhaps, than we are to the importance of this matter of Bar organizations—have already adopted resolutions and have already introduced acts into their Legislatures calling for and providing for the incorporation of the Bar. The report of Judge Goodwin, which is Appendix B of our report, calls for your study and your careful consideration.

Again we should be prepared through our delegates to express our views with regard to that important matter. Our delegates have no right to bind us in the Conference, as, indeed, the delegates from other Bar associations have no right to bind their associations without express authority from the associations sending them. So that our State Bar Associa-

tion again will be silent in the Conference, save only as the delegates express their personal views, unless they receive a charter from this association. Obviously, that matter cannot be disposed of with justice and celerity consistent with our programme.

The other matters are the broad questions that are contained in this action of the Conference which I will again note:

1. What are State and Local Bar Associations doing to impress upon the people of their states and communities the vital importance of respect for the law?
2. How can the influence of such Associations in that field be increased?
3. What are the State and Local Bar Associations doing to promote knowledge and understanding on the part of the people in their states and communities of the fundamental principles of American institutions?

The Conference at its last session called the roll of states, and each delegate was requested to answer what his state is doing upon each of these questions. So impressive was that performance that the delegate solemnly resolved that these three questions should be submitted to the various State and Local Bar Associations with the request that they consider them and report to the secretary, and that their reports be made the subject for consideration at the next annual meeting in conformity with the by-laws. The Council of the Section will undoubtedly recommend again, if time will permit, that each state be called through its representatives to make a report of what it is doing on these respective matters.

This is a large order, Mr. President, for our Committee to present these matters properly to this association, and I realize that it is a larger order for this association to consider them. I hesitate to make any suggestions as to the manner of disposing of this business, in view of the other important matters upon our programme; but I shall welcome

a suggestion from the Chair, and I am sure that my colleagues on the Committee will be glad to act upon his suggestion.

The President:

The Chair has no suggestion to make, except that these are matters of very great importance. Such matters really ought to be made a special order and considered when time is set apart for them.

If the subject that is set for special consideration to-day is taken up, it will be impossible for the association to give them the consideration that these matters deserve. Therefore, it is practically a question for the association to decide now whether these matters shall receive consideration or whether the matter which has been made the special order for consideration shall be taken up.

Mr. Cohen:

I would suggest that half an hour be spent upon the recommendations, in this order: The one relating to the practice of law, then the one relating to State Bar Associations, and then the other matter; and if we find that we can dispose of only one of those matters, why, at least, we shall have that much to report to the Council.

The President:

I am afraid that will be a very big undertaking. I am almost certain that the subjects mentioned cannot receive the consideration they deserve in the time you have stated.

Julius J. Frank, of New York:

I move that this matter be referred to the Executive Committee to consider the advisability of calling a special meeting of this Association for the consideration of this report.

We are here to-day for the purpose of considering a matter which is of immediate importance because of our hope to influence the Legislature, and if we do anything about it, we must do it now, whereas the matters that Mr. Cohen has

presented, while perhaps of great vital importance, are more subject to delay without injury to anybody than is the special order. I press the motion that the matter be referred to the Executive Committee to consider the advisability of calling a special meeting for its consideration.

The motion was duly carried.

REPORT OF THE COMMITTEE TO ACT UPON RECOMMENDATIONS OF THE CONFERENCE OF STATE AND LOCAL BAR ASSOCIATIONS

To the New York State Bar Association:

In its report for 1919 (Vol. XLIII, page 129) the Committee on Recommendations of the Conference of Bar Associations recommended that a special committee of three be appointed by the New York State Bar Association to co-operate with the committee appointed by the Conference of Bar Associations to prepare a brief on the practice of the law. Pursuant to this recommendation, a special committee consisting of Martin Conboy, Chairman, Harry W. Mack and Julius Henry Cohen was appointed. In July of this year, this special committee conferred with W. H. H. Piatt, Esq., of Kansas City, the Chairman of the Committee appointed by the Conference of Bar Associations. As a result of this conference and further committee meetings, the special committee of the New York State Bar Association sent to Mr. Piatt, for the aid of the Conference Committee, a memorandum embodying a definition of what constitutes practice of the law. This definition is printed at the close of the report submitted by the Conference Committee to the meeting of the Conference of Bar Association Delegates at St. Louis on August 28th, 1920, and acknowledgment is made in the report of the assistance and suggestions of the special committee of the New York State Bar Association. The Committee on Recommendations of the Conference of Bar Associations submits herewith a copy of the aforesaid report, concerning which the Conference of Bar Association Delegates took the following action:

Resolved, That the report of Mr. Piatt's Committee be accepted, and that, subject to approval by the officers of

the conference when amended so as to include Mr. Boston's reference to the L. Tanenbaum, Strauss & Co. case, it be distributed among the various Bar Associations throughout the country.

Resolved, That the definition of the practice of the law contained in the report of the Special Committee (Mr. Piatt's Committee) be recommended to the various State and local Bar Associations for adoption in their State laws by appropriate legislation.

Your Committee recommends that this Association consider the report and the action taken thereon by the Conference.

There was also submitted to the Conference of Bar Association Delegates a report on the organization of the Bar, regarding which the following resolution was passed by the Conference:

Resolved, That the report of Mr. Goodwin's Committee on the organization of the Bar be approved and that it be circulated by the Secretary among State and local Bar Associations, with the recommendation that such Associations consider its conclusions.

A copy of the report is submitted herewith, as part of this report. Your Committee recommends that the conclusions of this report be considered by this Association.

The Conference of Bar Association Delegates had before it the following questions:

1. What are state and local Bar Associations doing to impress upon the people of their states and communities the vital importance of respect for the law?
2. How can the influence of such Associations in that field be increased?
3. What are the state and local Bar Associations doing to promote knowledge and understanding on the part of the people of their states and communities of the fundamental principles of American institutions?

Concerning these questions, the Conference passed the following resolution:

Resolved, That these three questions be submitted to the various State and local Bar Associations, with a re-

quest that they consider them and report to the Secretary, and that their reports be made a subject for consideration at the next annual meeting, in conformity with the by-laws.

Your Committee recommends that these questions be considered by the New York State Bar Association and that a report thereon be made to the Secretary of the Conference of Bar Association Delegates.

All of which is respectfully submitted.

JULIUS HENRY COHEN, Chairman
CHARLES A. BOSTON,
J. NEWTON FIERO,
LORAN L. LEWIS, JR.

*Committee to Consider the Recommendations Made by the
Conference of Bar Association Delegates.*

While I have joined in the above report and its recommendations, I cannot approve the recommendation of the Conference that the definition of the practice of law contained in the report of its special Committee be recommended to the various State and local Bar Associations for adoption in their state laws by appropriate legislation. After serious consideration I have concluded that the definition is an improper definition of what constitutes the practice of law, and I should oppose its adoption as a proper definition in legislation in this State.

CHARLES A. BOSTON.

APPENDIX A

REPORT OF SPECIAL COMMITTEE OF THE CONFERENCE OF BAR ASSOCIATION DELE- GATES TO PREPARE A BRIEF FOR THE USE OF STATE AND LOCAL BAR ASSOCIATIONS

AS PROVIDED BY RESOLUTION OF THE CON-
FERENCE OF DELEGATES OF BAR ASSOCIATIONS
AT BOSTON, SEPTEMBER 2ND, 1919, ON WHAT
CONSTITUTES PRACTICE OF THE LAW AND
WHAT CONSTITUTES UNLAWFUL AND IM-
PROPER PRACTICE OF THE LAW BY LAYMEN
OR LAY AGENCIES.

W. H. H. PIATT,
JOHN LOWELL,
GEORGE SUTHERLAND,
CLARENCE N. GOODWIN,
HUGH HENRY BROWN,
Committee.

Note: Adopted by the Conference at the St. Louis Meeting, August 24, 1920, and sent to Bar Associations by direction of the Conference.

The reports and recommendations of the Conference express the views of the delegates to the Conference approved after deliberation and are presented to the American Bar Association and the State and Local Bar Associations represented in the Conference for consideration.

JULIUS HENRY COHEN,
Secretary.

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Note: The Conference at St. Louis, August 24, 1920, resolved as follows:

"That the definition of the practice of the law contained in the report of the Special Committee (Mr. Piatt's Committee) be recommended to the various State or Local Bar Associations for adoption in their State Laws by appropriate legislation."

The action by the conference prompts the Special Committee through its chairman to remind the Bar Associations that the committee has not attempted to formulate in the brief the precise language of a definition for legislative enactment, the definition as given being qualified by the discussion and explanation particularly under subhead II, hence, in framing a statute it should be borne in mind that the securing of any property or property rights whatever for another means as stated at page 49:

"The doing as a vocation of any act in a representative capacity in behalf of another obtaining or tending to obtain, securing or tending to secure, for or to such other the prevention or the redress of a wrong, the enforcement or the deprivation of a right the payment, settlement, adjustment, compromise, reduction, release, discharge or acquittance of any controverted, disputed, defaulted claim or demand whether *ex contractu*, *ex delicto* or imposed by law."

W. H. H. PIATT,
Chairman.

STATEMENT AND BRIEF ON WHAT ACTS CONSTITUTE PRACTICE OF LAW AND WHAT CONSTITUTE UNLAWFUL PRACTICE THEREOF.

STATEMENT

The Conference of Delegates of Bar Associations at Boston, Massachusetts, September 2, 1919, adopted the following resolution:

"Resolved, That it is the sense of this meeting that it is in the interest of society that the intimate and direct relationship of attorney and client shall be preserved, and that corporate or lay practice of law is destructive of that relationship and tends to lower the standard of professional responsibility;

"Resolved Further, That Trust Companies, while performing proper and legitimate functions of a business and judiciary character, are not constituted or organized for the purpose of furnishing legal advice to clients — drawing wills or furnishing legal services;

"Resolved Further, That the efforts of the Trust Company Section of the American Bankers' Association to eliminate evil practices on the part of trust companies be encouraged and the effort to co-operate with the Bar be cordially welcomed;

"Resolved, To that end, that we recommend to state and local bar associations that they bring to the attention of the Trust Company Section of the American Bankers' Association any evil practices of trust companies or bankers of which they are aware in order that the bankers' organization may, like the lawyers' organization, purge its ranks of wrongdoing or error;

"Resolved Further, That a special committee of six be appointed to prepare for the use of state and local bar associations, a careful brief of what constitutes practice of the law and what constitutes unlawful and improper practice of the law by laymen or lay agencies, and that said committee report at the next Conference."

The Committee appointed, pursuant to resolution Five of the foregoing resolutions, presents to the Conference of Delegates, as a compliance with that resolution, the statement, discussion, authorities and statutes below:

It assumes that the Conference is concerned not with the practice of the law historically, but with what constitutes practice of the law at the present day, and proceeding upon such assumption it seeks to formulate a definition that is all inclusive and all exclusive to the end that there may not be under the definition a little unlawful practice of the law, or any discrimination for or against any lay interest, whether same be an unlicensed individual, a corporation, a notary, an office holder, a real estate, insurance or other agent practicing law or doing law business.

Since it is the province of the court to decide only the issues presented to it, court definitions necessarily define practice of the law as to the issues presented by the particular case, and since the several states by statute have in but few instances attempted a definition either by including things allowed or prohibited things not allowed, the Committee submits—

- I. What constitutes practice of the law, as defined:
 - (a) By this committee;
 - (b) By courts and other judicial officers in special instances;
 - (c) By statute in some of the states.
- II. What constitutes unlawful and improper practice of the law by laymen or lay agencies, as defined and discussed by this committee.

I — A

DEFINITION AND DISCUSSION BY THE COMMITTEE WITH AUTHORITIES

The practice of the law, as at present and generally understood, is the pursuing as a vocation the learned profession of the law. In other words, the exercise for compensation by a licensed attorney of his learning, skill and reputation, or any of the same in behalf of another, and anyone not so licensed may not do for compensation, or a consideration directly or

indirectly (follow as a vocation) anything which a licensed attorney may as such charge compensation for doing.

A condition precedent to the right is the taking by the applicant an oath of office, and the right is a franchise to a natural person of learning, good character, integrity, and ability granted by society for its protection and benefit primarily rather than as a means of livelihood to the grantee, and is therefore not an inalienable right, but is a permissive one, subject to regulation by society, and society is best served and best protected when and where the practice of the law is strictly limited to persons licensed therefor as by the statute required. Present day practice of the law, in its broadest sense, therefore embraces and comprehends the vocation of personally appearing as an advocate in a representative capacity, or the drawing of papers, pleadings, documents, or the performance of any act in such capacity in connection with proceedings pending or prospective before any court, commissioner, referee, master, or any body, board, committee, commission or officer constituted by law, or having authority to settle controversies, or the advising, or counseling as a vocation any person, firm, association or corporation as to any secular law, or the drawing or the procuring of assistance in the drawing, as a vocation, of any papers, documents, or instruments affecting or relating to secular rights, or the doing, as a vocation, of any act in a representative capacity in behalf of another, obtaining or tending to obtain, or securing or tending to secure for such other any property or property rights whatever. The doing in a representative capacity, as a vocation, of any of the foregoing by a person not licensed as an attorney, or by a corporation constitutes unlawful and improper practice by such person or corporation. That a corporation cannot practice law is axiomatic. It is not a natural person, it possesses neither learning, good character, nor capacity to take an oath, or to preserve and occupy a personally confidential relation with a client.

Few of the states have by statute attempted to define practice of the law, or to enumerate specific prohibited acts, or things, as being an unlawful practice of the law. Most of them have apparently left the definition and the enumeration of specific prohibited practices to the interpretation of

the courts as instances thereof may arise. However substantially all of the states make requirements for admission to the practice of the law, and requirements common to all states are that the applicant must be a *natural person*, of *good character*, must *take an oath of office*, and as to the time and manner of applying for admission and enrollment must conform to the rules of court in respect thereto. Most states make an educational requirement in addition. From the statutory requirements for admission to practice in the several states, it is obvious that the right to practice is fundamentally a permissive franchise which enures only to a *natural person* possessing the required qualifications for such license, and that it may and cannot be extended, or granted, to a corporation. It is likewise fundamental from the requirements for admission that a natural person not licensed to practice law may not lawfully do so, and that a partnership or association of individuals, some of whom are not licensed to practice law and some of whom are so licensed, may not as such association or partnership lawfully and properly practice law or do law business. Since the practice of the law is a right or franchise permitted or created by society for its protection and benefit rather than the protection and benefit of the practitioner, it is clear that the practice of the law and the doing of law business by corporations, or by persons who have not complied with the requirements prescribed by society therefor, is a positive injury and menace to society, that society in its own interest, and for its own protection and preservation should and must prevent. Practice of the law is not a business in the general acceptance of that term, never was, and never can be.

The sole inducement to the layman to practice law and do law business is the fee derived therefrom, and to secure this recourse is had to the ordinary commercial, competitive business methods of solicitation and advertising thereby commercializing the profession of the law and the law business, undermining the ethical and professional standards, and destroying public confidence in the lawyers and the courts with a clamor for recall of judges and decisions. The layman, a natural person or corporate, may only compete with the lawyer in the practice of the law and the doing of law business by orally

soliciting or advertising to do it more expeditiously, faithfully, intelligently, and at less expense than the lawyer, thereby imputing to the lawyer slothfulness, infidelity, and extortion. A loss of confidence in the courts and lawyers is a sign of governmental decline, and a forerunner of disintegration and anarchy.

Shelton, "Spirit of the Courts," page 152:

"A popular condemnation of judges and lawyers in the past has been a certain symptom of governmental weakness and deterioration. I venture to assert that the executive and the legislative departments might cease their operation for a given time with no other result than inconvenience. But a suspension of the courts for one day would mean anarchy, when might and not right would become the measure of civil liberty and property rights. How important it is, then, that in the practical application of the jural law, the people should respect the bench and the bar, aye, should reverence them and look to them as the preservants of their sacred rights."

Peculiarly apropos to the immediate thought above presented and generally pertinent to this entire subject, we here quote a sub-head and statement from the prospectus of "Court and Counsel," as follows:

"THE IMPORTANCE OF THE LAWYER"

"The work carried on by the Lawyer in active practice is of two-fold importance. For he serves not only his private clients but through them he serves the State as well.

To the end that justice may be achieved, there has come into existence through the course of centuries the mechanism of the courts and a body of principles, doctrines and precepts called the Law.

But the benign wisdom and the majestic philosophy of the Law and the elaborate instrumentalities for administering, interpreting and enforcing it are but lifeless and useless things without that which after all is the most important element of all — the Lawyer.

He is the energetic force that sets all in motion. He is the point of intimate, personal and responsible contact between the Law and its agencies and the people.

It is the pride of our American institutions that this is a government by Laws and not a government by men.

The constant study of these Laws, their application, their efficiency, their wisdom and their sanction is the noble life work of the men constituting the legal profession.

To the Lawyers turn all sorts and conditions of men and women—from the cheated house servant seeking her wages to the great financial corporation in litigation with another business giant—for the protection of their rights and the redress of their wrongs.

But infinite in its variety and interesting as the work of the Lawyer is in serving his individual clients it is but the detailed part of his work.

All the Lawyer's work develops into and is a part of a bigger, nobler, more important task—the work of creating, maintaining, preserving and protecting the State.

To that end he is a sworn Officer of the Court, bound by his oath to support the Constitutions of the Nation and of his State.

In normal times, when the world seemed somehow better ordered and smoother running than now, the Lawyer, unless he ascended the bench or entered some branch of the government or public life, was not often called upon for an active discharge of his broader duty to the State.

But today the Lawyer's public duty predominates.

Partly as a result of the strain of war, partly because of European influences, partly because of ignorant agitation and wicked propaganda at home, the State as we know it is undergoing a series of sustained and vicious attacks.

Forces of evil break out on all sides. The press is a daily chronicle of strikes, profiteering, soapbox chicanery and blatant crime.

There is trouble now and there is trouble ahead.

How seriously the trouble will develop depends upon our understanding of it and its causes, and our preparation and efficiency in meeting it.

Some say we are threatened with a bloody revolution and go so far as to predict its eventuation within five years. Others see in the present but a manifestation of restlessness natural to a post-war period, a disturbance which will work its way out easily and quietly and peacefully if it is only permitted to run its course.

Whatever the future holds in store for us there is a present vital duty resting upon the legal profession as a whole and upon the conscience of every individual Lawyer.

The legal profession, like the press, the pulpit and the stage, is a great organ of public opinion. The individual Lawyer is a leader of opinion in his community.

No man understands the reasons of government better than the Lawyer, no man knows just why our government is as it is better than he.

The legal profession is the depository of the wisdom and experience of all the great past in the science of government.

If our government is the best that our present state of civilization permits it is for the legal profession to defend it with might and main; if on the contrary our civilization is such that a much better government is possible it is for the legal profession to give to the people the sane, wise and inspired leadership that will make for better things.

For government and the attainment of its most important function, its noblest ideal, Justice, is the thing to which the whole life work of the Lawyer is dedicated."

Authorities fairly sustaining the definition presented herein are:

People vs. Taylor, 56 Colo. 441.

Barr vs. Cardell, 173 Iowa 18.

People vs. Schreiber, 250 Illinois 245.

People Ex. Rel. Chicago Bar Association vs. Leon A. Berezniak (Illinois), 127 N. E. 36.

Eley vs. Miller, 7 Ind. App. 529; 34 N. E. 386.

Missouri Laws 1915, pages 89-101.

American Legal News, Sept., 1919, Vol. 30, pp. 7 and

- 8; address "Unlawful Practice of the Law," Raymond G. Young, Omaha Bar.
- The Law Business or profession, Julius Henry Cohen. Hobbs Case, 75 N. H. 285.
- In re Co-operative Law Co., 198 N. Y. 479; 19 A. & E. Ann. Cas. 879.
- U. S. Title Guaranty Co. vs. Brown, N. Y. Law Journal, June 29, 1914; 138 App. Div. 542.
- Associated Lawyers Co., 134 App. Div. (N. Y.) 350.
- In re City of New York vs. Bowsky, 144 App. Div. 107.
- Buxton vs. Lietz, 135 N. Y. Supp. 829; 139 N. Y. Supp. 46.
- In re Shay, 133 App. Div. N. Y. 547.
- In re Rothschild, 140 App. Div. 583.
- People vs. Peoples Trust Co., 167 N. Y. Supp. 767.
- In re Pace, 170 App. Div. 818; 156 N. Y. Supp. 641.
- Savings Bank vs. Ward, 100 U. S. 195; 25 L. Ed. 621.
- State of New York vs. Henry Alfani, 186 App. Div. 468; 227 N. Y. 334.
- People vs. Title Guarantee & Trust Co., New York, Dec. 9, 1919; 227 N. Y. 366.
- In re Husson, 26 Hun. 130.
- In re Application of New York County Lawyers' Association to the Attorney General to Annul Corporate Existence of L. Tannenbaum, Strauss & Co., Inc.; Opinion of Attorney General, Dec. 18, 1916.
- In re Pace & Stimpson, Attorneys, 170 App. Div. 818.
- In re Julius A. Newman, Attorney, N. Y. 172 App. Div. 173.
- Tannenbaum et al. vs. Higgins, 190 App. Div. 861.
- In the Matter of Adolph M. Schwarz, an attorney, in N. Y. Supreme Court, App. Div. 1st Dept. 1916, Clark, P. J. holds a lawyer may not resort, as a lawyer, to business methods of exploiting his profession.
- In the Matter of Application to Vacate Charter and Annul Corporate Existence of the National

- Jewelers' Board of Trade for Practicing Law. Opinion by Attorney General Joseph A. Kellogg of N. Y., August 21, 1914, and reported Vol. II, 349, 1914, Attorney General Reports. Also Supplemental report by Attorney General Obermeir, February 1, 1916, above matter.
- Report of May 3, 1917, N. Y. County Lawyers' Association Committee on Unlawful Practice of the Law.
- Report of January 6, 1920, N. Y. County Lawyers' Association Committee on Unlawful Practice of the Law.
- Ex Rel. Floershiemer vs. Lawson Purdy, et al., N. Y. Supreme Court, App. Div. 1st Dept., October, 1916, Nos. 250 and 251.
- Meisel & Co. vs. National Jewelers' Board of Trade, N. Y. Supreme Court, App. Div. 1915.
- Opinion of Attorney General New York, February 28, 1916, Re: Application to Vacate Charter and Annul Corporate Existence of U. S. Title & Guaranty Company.
- New York Code, Sec. 270-280.
- State vs. Bryan, 98 N. C. 634; holds that a person who constantly or habitually holds himself out before the public as a lawyer, and demands compensation for his services as such, is practicing law.
- Ex Parte Thompson, 10 N. C. 354; holds an unlicensed foreigner is ineligible to hold office as an attorney, and is not qualified to take the oath. Sec. 259, R. S. 1905.
- Oregon Law, Secs. 1, 2 and 3, Ch. 422, General Laws 1919.
- In re Duncan, 83 S. C. 186; 18 A. & E. Ann. Cas. 657; 65 S. E. 210; 24 L. R. A. New Series 750.
- Grocers & Merchants Bureau of Nashville vs. W. E. Gray; 6 App. (Tenn.) Cases 87, 92.
- Extract from Address of the President of the Milwaukee Bar Association reported in "Docket" (West Publishing Co.) May, 1916.
- Hippson vs. Brown, 3 Colo. 304 (holds persons not

- licensed as lawyers may not charge and recover compensation for doing law business).
- Ex. Rel. Colorado Bar Association vs. Erbaugh, 42 Colo. 480; 94 Pac. 349.
- In re Bailey, 146 Pac. 1101.
- In re White, 17 Pac. 759.
- In re Cary, Supreme Court, Minn., June 4, 1920, 127 N. W. 801 (Disbarment of an attorney for making false statements to the State Senate Committee on Finance while before it on pending measures).
- People vs. Title Guarantee & Trust Co., 191 App. Div. 165.
- People vs. Title Guarantee & Trust Co., 168 N. Y. 278.
- State Board of Law Examiners vs. Shriner, 131 Tenn. 343.
- In re Bowers, 137 Tenn. 189.
- In re Bowers, 138 Tenn. 662.
- State Ex Rel. vs. Rogers, 136 Tenn., 578.
- Ingersoll vs. Coal Co., 117 Tenn. 263.
- State Ex Rel. Patton vs. Marron & Wood, 169 Pac. 9.
- Drawing "Old Tom Lather's Will," Central Law Journal, Vol. 91, No. 7, August 13, 1920, page 118.

The committee expresses its appreciation and obligation to the AttorneyGeneral of each of the states below, for information touching the statutory requirements of admission, statutory definitions of practice of the law, or prohibitions against, by persons not licensed to practice law, in said states respectively. By the information so furnished it appears that all of the states enumerated below condition admission to a *natural person, twenty-one years of age, a citizen and resident of the state, of good moral character, possessing certain educational qualifications and experience, and who must pass an examination, conform to the rules of the court, usually prescribed by the supreme court, and take an oath.* Those states all, or substantially all, permit a person to appear in court in his own behalf except that Wisconsin does not so permit in criminal proceedings and New Hamp-

shire permits a litigant to be represented by any citizen and provides by statute that "any citizen of the age of twenty-one years, of good moral character, and suitable qualifications, on application to the Supreme Court, shall be admitted as an attorney," and the State of Indiana, in its Constitution, Sec. 21, Art. 7, provides that "any citizen of good moral character and a voter may be admitted to practice law." The courts there hold that the Supreme Court may make reasonable rules respecting admission.

LIST OF STATES.

New Hampshire,	Kansas,	West Virginia,
Virginia,	Florida,	Tennessee,
Oklahoma,	Illinois,	Massachusetts,
Maine,	Indiana,	Oregon,
Iowa,	New York,	Utah,
Maryland,	Missouri,	Arkansas,
North Carolina,	Ohio,	Rhode Island,
Nevada,	Wyoming,	Colorado,
Pennsylvania,	Wisconsin,	Montana,
Nebraska,	Minnesota,	North Dakota,
Idaho,	New Jersey,	Connecticut.
South Dakota,	Washington,	

The states following prohibit the practice of law by persons not licensed as an attorney and penalize it as a contempt, by fine, jail sentence, or both. Colorado allows a recovery by the client of the money paid to the unlicensed attorney, and Missouri allows a recovery of three times the money so paid in addition to a fine.

Oregon,	New Jersey,	Nevada,
Wisconsin,	Washington,	Massachusetts,
Iowa,	West Virginia,	Utah,
Illinois,	Pennsylvania,	Rhode Island,
Indiana,	Idaho,	Maryland,
Tennessee,	Maine,	North Carolina,
Virginia,	Colorado,	New York.
Arkansas,	Montana,	

The following states define the practice of the law either by providing a more or less complete definition or by prohibiting as practice of the law certain specific acts:

Missouri,	New York,	Oregon.
Montana,	Massachusetts,	

I—B

DEFINITIONS FOUND IN OPINIONS BY COURTS AND OPINIONS BY THE ATTORNEY GENERAL OF NEW YORK

DEFINITIONS IN COURT OPINIONS.

(Italics in all quotations are by the Committee.)

The Court of Civil Appeals at Nashville, Tennessee, (6 App. Cases 87, 92) had before it an action involving the issue of what constitutes practice of the law in certain instances from which, by reason of the clear and extended statement of facts and definitions, the latter adopted in part from cited New York decisions, we here quote at length as follows:

"This action originated before a Justice of the Peace of Davidson County, and was brought by the Grocers & Merchants Bureau of Nashville against the defendant in error to collect the sum of \$10.00, growing out of a certain written contract filed as Exhibit 'A' to the agreed statement of facts entered into between the parties, and upon which the case was tried in the court below, and which is made a part of the record upon this appeal. Said written contract was entered into on June 25, 1914, between the plaintiff in error and the defendant in error, Dr. W. E. Gray, who is a colored physician residing in the city of Nashville, Tennessee.

The defendant in error defended the suit upon the ground that said contract was contrary to the public policy of the State, and was, therefore, illegal and void.

A trial of the case in the court below * * *

The plaintiff in error is a collection agency incorporated under Chapter 58 of the Acts of 1901, providing for the organization of corporations for the purpose of conducting commercial, mercantile and protective agencies for the

collection of debts. And for the purposes usual and appropriate to the business of such agencies.

The contract solicited by the plaintiff in error and entered into with the defendant in error on June 25, 1914, provided that in consideration of \$10.00, to be paid monthly thereafter at the rate of eighty cents per month by the defendant in error, the plaintiff in error would furnish 'the following improved and strictly up-to date service:

1. Rating book.
2. Supplements.
3. Standing of newcomers.
4. Special reports in Nashville.
5. Special reports in Tennessee.
6. List of bankrupts.
7. Free notary work.
8. Free legal advice regarding commercial matters.
9. To keep office open every Saturday evening until 6 o'clock.

It appears from the agreed statement of facts that said \$10.00 was never paid, and was due under the terms of said written contract at the time the present action was brought.

It was the insistence of the defendant below that plaintiff in error was engaged in the practice of law and contracted, among other things, to perform the services of an attorney and counsellor at law for the defendant; that such a contract is illegal in Tennessee, except when made by a duly licensed attorney; and that the contract being illegal in part and the consideration being entire, the whole contract was vitiated. It was further insisted that the contract was also void upon the ground that it was solicited by the plaintiff in error.

The agreed statement of facts shows that plaintiff in error employs a reputable and competent member of the Nashville Bar to give to its clients the legal advice which it contracts to furnish its subscribers or patrons. And it is insisted by counsel for plaintiff in error that, in pursuing this course, it was not in any sense holding itself out as an attorney or counsellor at law, nor is it engaged in the

practice of law, but only hires a lawyer to give its clients legal advice, which, it is insisted, is in no way contrary to public policy. It is conceded by counsel for plaintiff in error that a corporation is not eligible to practice law in this state.

We think this is undoubtedly true, as our statutes upon the subject only apply to natural persons who must be twenty-one years of age, and of good moral character, and shall stand the examination prescribed by the State Board of Law Examiners, and shall have been duly licensed as required by Chapter 247 of the Acts of 1903, and Shannon's Code, Sec. 5772.

The question presented upon the agreed statement of facts is, whether the services undertaken to be performed by the plaintiff in error under the eighth item of said contract constitutes an undertaking to practice law within the meaning of our statutes, and within the legal significance of that term.

In the matter of the Co-operative Law Co., 198 N. Y. 479, 19 Am. & Eng. Ann. Cas. 879, a corporation was chartered 'to furnish to its subscribers legal advice and service; to operate in connection with the above a department of law and collections for the use and benefit of the subscribers of the company only.'

The Bar Association of the city of New York intervened to have its charter vacated, and the Court of Appeals, in vacating the charter, said:

'The practice of law is not a business open to all, but a personal right, limited to a few persons of good moral character, with special qualifications ascertained and certified after a long course of study, both general and professional, and a thorough examination by a state board appointed for that purpose. The right to practice law is in the nature of a franchise from the state conferred only for merit. It cannot be assigned or inherited, but *must be earned by hard study and good conduct. It is attested by a certificate of the Supreme Court and is protected by registration. No one can practice law unless he has taken an oath of office and has become an officer of the court, subject to its discipline, liable to punishment for contempt*

in violating his duties as such, and to suspension or removal. It is not a lawful business except for members of the bar who have complied with all the conditions required by statute and the rules of the courts. As these conditions cannot be performed by a corporation, it follows that the practice of law is not a lawful business for a corporation to engage in. As it cannot practice law directly, it cannot indirectly by employing competent law-years to practice for it, as that would be an evasion which the law will not tolerate. Quando aliquid prohibetur ex direct, prohibetur et per obliquum. Co. Litt. 223.

The relation of attorney and client is that of master and servant in a limited and dignified sense, and it involves the highest trust and confidence. It cannot be delegated without consent and it cannot exist between an attorney employed by a corporation to practice law for it, and a client of the corporation, for he would be subject to the directions of the corporation and not to the directions of the client. There would be neither contract nor privity between him and the client, and he would not owe even the duty of counsel to the actual litigant. The corporation would control the litigation, the money earned would belong to the corporation, and the attorney would be responsible to the corporation only. His master would not be the client but the corporation, conducted it may be wholly by laymen organized simply to make money and not to aid in the administration of justice, which is the highest function of an attorney and counselor at law. The corporation might not have a lawyer among its stockholders, directors or officers. Its members might be without character, learning or standing. There would be no remedy by attachment or disbarment to protect the public from imposition or fraud, no stimulus to good conduct from the traditions of an ancient and honorable profession, and no guide except the sordid purpose to earn money for stockholders. *The bar, which is an institution of the highest usefulness and standing,* would be degraded if even its humblest member became subject to the orders of a money-making corporation engaged not in conducting litigation for itself, but in the

business of conducting litigation for others. The degradation of the bar is an injury to the state.

'A corporation can neither practice law nor hire lawyers to carry on the business of practicing law for it, any more than it can practice medicine or dentistry by hiring doctors or dentists to act for it.'

We have quoted from the opinion in the above case at length, because the case is directly in point, and the opinion sets forth some most wholesome reasons why a corporation cannot practice law, either directly or indirectly, all of which this court heartily approves.

In *People v. John H. Woodbury Dermatological Institute*, 192 N. Y., 454, 85 N. E. 697, it was held under the New York Statute (Laws of 1907, Ch. 344, Sec. 15), providing that 'any person not a registered physician who shall advertise to practice medicine shall be guilty of a misdemeanor,' that a corporation organized under an Act authorizing incorporation for manufacturing, mining or chemical purposes might be convicted for advertising to practice medicine.

In *State Electro Medical Institute v. State*, 74 Neb. 40, 12 Am. & Eng. Ann. Cas. 673, it was held, under a statute of the State of Nebraska requiring a license for the practice of medicine, that a corporation is not such a person as can obtain a statutory license to practice medicine in said state.

In *Hannon v. Siegel-Cooper Co.*, 167 N. Y. 244, 52 L. R. A. 429, it was held that a corporation could not engage in and advertise that it was practicing dentistry. In *Re Duncan*, reported in 83 S. C. 186, 18 Am. & Eng. Ann. Cas. 657, it was held that any advice given to clients, or action taken for them, in matters connected with the law is practicing law. In that case the court said:

'It is too obvious for discussion that the practice of law is not limited to the conduct of cases in courts. According to the generally understood definition of the practice of law in this country, it embraces the preparation of pleadings and other papers incident to actions and special proceedings and the management

of such actions and proceedings on behalf of clients before judges and courts, and in addition conveyancing, the preparation of legal *instruments of all kinds, and in general all advice to clients and all actions taken for them in matters connected with the law.* An attorney at law is one who engages in any of these branches of the practice of law. The following is the concise definition given by the Supreme Court of the United States: "Persons acting professionally in legal formalities, negotiations, or proceedings by the warrant or authority of their clients may be regarded as attorneys at law within the meaning of that designation as employed in this country."

Under these definitions there can be no doubt that the giving of legal advice 'regarding commercial matters' is engaging in the practice of law. This being true, we are of the opinion that the contract solicited and entered into by the plaintiff in error with defendant in error, Dr. Gray, is illegal and non-enforceable, because against public policy.

The eighth item of said contract obligated the plaintiff in error to give to the defendant in error legal advice regarding all commercial matters, which was a portion of the service for which the \$10.00 were to be paid. The fact that plaintiff in error employs a licensed attorney to perform such service for it cannot make the contract legal, for the reason, that if it cannot practice law directly, it cannot do so indirectly by employing a licensed attorney to carry on the business of practicing law for it.

It results that we find no error in the judgment of the court below, and it is affirmed with costs."

In the United States Title Guaranty Co. v. Brown (138 App. Div. N. Y. Sup. 542), Judge Kelly, speaking to the point here under consideration, said:

"The profession of the law, one of the oldest known to civilization, involving the most sacred confidence between man and man, with its past of high ideals and service to humanity, has in the last quarter of a cen-

tury suffered much from the inroads of the new financial and business methods in this great land of ours. *Whether by ill-advised attempts by corporate employers to dominate and direct attorneys and counsel in the conduct of litigation, whether by so-called title companies or casualty insurance corporations, the old ideals in the relation of attorney and client, which meant so much to mankind, have suffered and have been threatened with demoralization. This is wrong, the loss of the individual personal relation involved in the attempt by corporations to practice law is so serious to the community that it is against public policy, and I am inclined to think 'malum in se,' but at any rate there is no question that in this state it is unlawful by force of the statute.*"

The Associated Lawyers Company, 134 App Div., 350, the Appellate Division rejected the application of the company for permission "to do a general law and collection business; * * * to make agreements with, and to employ such attorneys at law, * * * as may be desired for the transaction of such business." The court says:

"While it has never been legal for a corporation to practice law, a system has grown up by which corporations undertake to procure attorneys for the transaction of the law business of its clients, and while the legality of such corporate action has been doubted, the *impropriety of allowing corporations to enter into such a business has been universally recognized, and by this legislation it has been prohibited.*"

The court in the Matter of the City of New York, 144 App. Div., 107, held the following agreement void, and speaking to the subject said:

(AGREEMENT)

"I do hereby retain and employ the * * * company to act for me and in my behalf in the conduct of certain proceedings affecting my property, and to furnish such legal and other expert services as it may

deem necessary in connection with the taking of my property by condemnation proceedings * * * .

And, in consideration of its services, do hereby promise, assign and agree to pay said * * * company 33 1-3 per cent of whatever sum shall be allowed or paid for or on account of such taking; said percentage to cover all expenses and disbursements of every nature whatsoever."

The court said:

"It is impossible to read the agreement between the plaintiff and defendant in connection with the agreements of the plaintiff with the property owner without reaching the conclusion that the plaintiff corporation endeavored to practice law in contravention of public policy and also the prohibition of Section 280 of the Penal Law in force at the time the contracts were made (Matter of Co-operative Law Co., 198 N. Y., 479; Matter of City of New York, Bowsky, 144 App. Div., 107; Matter of City of New York, Murphy, 146 App. Div., 125). If there were any doubt as to what the agreements meant, it is removed by the plaintiff's own construction of its rights under the contract with defendant as set forth in the complaint and in its application for a temporary injunction in this action (U. S. Guaranty Co. v. Brown, 158 App. Div., 542). Much might be written upon the subject, but it is unnecessary. * * *

The agreement of the plaintiff and defendant and the plaintiff's agreements with the property owners seem to me to be flagrant violation of the law, and before a court of equity no skilfully framed wording of a corporate charter can be allowed to cover the wrong or to make them legal."

In *Buxton v. Lietz*, 136 N. Y. Supp. 829; 139 N. Y. Supp 46, a similar contract was made for the collection of accounts by the Meacham-Buxton Mercantile Agency, which provided for collection without litigation, if possible,

and with litigation, if necessary. The court, passing upon the contract, said:

"It cannot be seriously disputed from the records in this case that the plaintiff is engaged in a business which consists of collecting outstanding accounts for clients, and when necessary to institute litigation for that purpose. The question to be determined by the court is, can the plaintiff recover a contract like the one at bar, and does that contract contravene the statute? Now, it is well known in legal jurisprudence that the practice of the law is regulated by statute.

It is equally well known that by Chapter 882, Laws of 1909 (forming Section 270 of the Penal Law), any person not duly licensed to practice law, who holds himself out as an attorney and counselor at law, or who attempts to practice such profession is guilty of a misdemeanor. The privilege of practicing law is a special franchise, conferred on those who by earnest and conscientious study and possessing the required qualifications are fit to take the constitutional oath of this truly great office.

Counsel for the plaintiff, however, contends that the plaintiff is not to be likened to a corporation engaged in the practice of law, and, again, that the prohibition applied to corporations and not to individuals engaged in the business of a mercantile agency for collection on behalf of clients. This contention, however, is not sound, for the reason that the plaintiff is not an attorney and counselor at law, and, since he cannot practice directly, he is prohibited from practicing indirectly by employing an attorney and counselor at law to institute suits or actions on behalf of his 'clients' when necessary."

* * * * *

"If then in reason and logic, for after all what is law but the perfection of reason, corporations cannot practice law, no good reason exists why an individual under an assumed name should be permitted to enter into the practice of law, and turn a noble profession into a business of the mercenary kind. In view of what is said and without touching upon the plaintiff's failure to establish due per-

formance of his contract as therein provided, this Court is of the opinion that the plaintiff cannot recover on the contract as a matter of law, because of its illegality, and therefore renders judgment in favor of the defendant and against the plaintiff dismissing the complaint with costs." (The opinion is reported in full in the New York Law Journal for July 13th, 1912.)

"An attorney who would accept a retainer from the plaintiff to institute suit on behalf of his client would not only be liable under Section 479 of the Judiciary Law, but under Section 277 of the Penal Law he would be guilty of a misdemeanor, and the attorney would come within the decision of the Appellate Division *in re Shay* (133 App. Div., 547), warranting disbarment."

In the Matter of Rothschild, 140 App. Div. 583, the court suspended a lawyer, who, for an annual compensation permitted the use of his name by clients upon letterheads of dunning letters sent out by them on their claims. The court in passing on that matter quoting Sections 149 and 150 and 277 of the Penal Code of New York, said:

"These sections illustrate the policy of the State in prohibiting those holding the responsible office of attorney and counselor at law from allowing others to practice law in their names; and while the Legislature has only made it a crime for an attorney to knowingly permit any person not being his law clerk or partner to sue out any process or to prosecute or defend an action in his name, *for an attorney to authorize persons not in his employ or under his control to sign letters or communications threatening legal proceedings is entirely inconsistent with the performance of the duties assumed by a person upon becoming a member of the profession. An attorney holds a public office. He assumes duties to the State, as well as to his clients, and when acting in his professional capacity in giving advice to his clients, or acting for his clients, he is performing a function of his office and is responsible for the methods which he or his representatives adopt in the performance of his duties. We think it inconsistent with the performance of the duties assumed by an attorney when he accepts his office to sell the right to use his name*

as an attorney; and to enter into any arrangement by which others who are not directly connected in business with him as partners or clerks are authorized to sign letters in his name, or use his name in the transaction of their business, as a serious violation of an attorney's duties to the state and serious professional misconduct. The arrangement testified to in this case was not at all a professional employment. The respondent was to perform no professional services for the furniture company for which he was to be paid a fee. What he did was to allow this furniture company or its employees to use his name as an attorney to enforce the collection of their demands and to authorize the employees of the furniture company to sign his name to communications for that purpose, and for that he was to receive a sum of money. He says that he agreed with another employee of the company that the agents that he appointed should only sign such letters in the form which he had approved; but, as before stated, there was no such limitation of authority in the power of attorney, and no notice of such a limitation was given to the agents appointed by the respondent, and what happened in this case was sure to happen under such an arrangement. Communications were sent prepared by those who were not under the obligations which are assumed by and imposed upon an attorney and the name of the attorney thus used for illegitimate and improper purposes. The making of such an arrangement and giving such power of attorney was necessarily inconsistent with the proper performance of his duties, and could have but one result, namely, to *prostitute the office* which the respondent held for many years and to bring it into disrepute and disgrace."

We quote from *Eley vs. Miller*, (7 Indiana App. 529; 34 N. E. 386) the following:

"An action by David Eley against Lewis C. Miller to recover back the amount of certain illegal charges made by and paid to defendant as Auditor of Adams County, Indiana. There was a trial by the court and at the instance of the appellant it made a special finding of the

facts and states conclusions of law thereon. The gravamen of the action is the illegal collection of certain fees and money.

Facts.

In 1890 William Miller and others filed their petition for the location of a public ditch in the Auditor's office of Adams County, and with the appellant who was the auditor of said county. The board of commissioners appointed viewers, and report of said viewers was approved by the commissioners. The appellee as auditor taxed in said proceedings the costs thereof, which costs were afterwards duly apportioned among all the land owners according to their respective interests and benefits for assessments therein. The auditor sold the allotments of work on said ditch as required by law. The purchaser became the purchaser of one such allotment, and appellee, as auditor entered into a contract with him for the faithful performance of the contract. The appellee, individually and not as auditor and officer, made and wrote for said appellant the said contract and bond, and exacted from him the sum of \$1.50, not as costs in said case but as a remuneration for his work and labor in preparing the same. That the labor was reasonably worth \$1.50.

Conclusions of Law-trial Court:

1st. Taxation of said costs was legal and auditor was entitled to tax and collect the same.

2nd. That defendant was legally entitled to charge the real value of his services for making and writing the bonds and contracts, and that his charges therefor were just, equitable and right, and plaintiff ought not to recover.

Holding Appellate Court; Lots J.

1st. The auditor had no right to make such charges for giving notice of the report of the drainage viewers by publication, and posting written notices, does not authorize the auditor to charge for such services, as the

statute requiring the auditor to give such notice does not allow for same. The rule against constructive fees applies. It is the settled policy of the legislature of the State of Indiana to deny to public officers constructive fees and salaries. A public officer cannot assert a claim to fees unless he can produce a statute conferring such right, either in express terms or by implication.

2nd. Money paid to public officers voluntarily, not as fees, but for services, which he had no right to render unless gratuitously, cannot be recovered, and the court held that there was nothing in the findings of the trial court to show that such payment was not voluntarily made. Public policy requires that a public officer should make no charge for matters relating to his official duties; it expressly forbids the auditor to practice law, and it may be said that writing the bond and preparing the contract is not practicing law. 'As the term is generally understood, the "Practice" of the law is the doing or performing services in a court of justice, in any matter depending therein, throughout its various stages, and in conformity to the adopted rules of procedure. But in a larger sense it includes legal advice and counsel, and the preparation of legal instruments and contracts by which legal rights are secured, although such matters may or may not be depending in a court. The mere act of a scrivener who writes something dictated by another would not be practicing law.' The auditor, in a certain capacity, is made a party to the contract, and in this case he made a charge for performing services for himself as well as the opposite party. He is not allowed to make such charges unless he can show that such duties were a part of his official duties and were authorized by the statute. These charges stand upon a different basis than 'fees.' In the case of fees where they have been illegally collected, the statute provides that the person from whom they have been collected can recover them.

For error in stating the first conclusions of law, the judgment is reversed, at the cost of the appellee, with instructions to grant a new trial, if asked by appellant."

We quote from *People vs. The Peoples Trust Company* (167 N. Y. Supp., 767) as follows:

"The relation between attorney and client is confidential in the extreme. The attorney is under all the obligations attached to a fiduciary relation, and above all things he owes undivided loyalty to his client, unhampered by obligations to any other employer. These duties are enforced by the drastic remedy of disbarment proceeding, a measure outside of and in addition to other legal remedies. An attorney may not divulge confidential communications of his clients or the advice given thereon. It is obvious that the intervention of a corporation, the general employer of an attorney between him and his client, is destructive of this necessary and important relation. There can be no longer uninfluenced devotion to the client's interests. There exists along with, and necessarily influencing, the devotion to the client, the duty which the attorney owes to his general employers. Divided obligations in trust relations are obnoxious to the law, and in none more so than in that of attorney and client. It was to remedy the growing tendency of corporations to enter the field of practicing law, and perform legal services through lawyers in their general employ, and owing loyalty primarily to them and not to the client, that this law was enacted.

An attorney at law is the agent of his client in matters involving the application of a knowledge of the law. The business which he carries on is called 'practicing law.' It is not confined to performing services in an action or proceeding pending in courts of justice; but, as is concisely stated by the court in *Eley vs. Miller*, 7 Ind. App., 529, 34 N. E. 386:

'In a larger sense it includes legal advice and counsel and the preparation of legal instruments and contracts by which legal rights are secured, although such matter may or may not be depending in a court.'

See, also, *Matter of Pace*, 170 App. Div., 818, 156 N. Y. Supp., 641; *Matter of Duncan*, 83 S. C., 186, 65

S. E., 210, 24 L. R. A. (N. S.), 750, 18 Ann. Cas., 657; Savings Bank v. Ward, 100 U. S., 195, 25 L. Ed., 621; Matter of the City of New York (Avenue A., etc.), 144 App. Div., 107, 128 N. Y. Supp., 999.

Under these decisions, as well as in the common understanding of the business world, the drafting and supervising the execution of wills is practicing law. By them legal rights are secured. In giving instructions, confidential communications regarding family relations are often necessary. There is no province of the law requiring deeper learning on the subject of trusts, powers, legal and equitable estates, and perpetuities.

But the statute does not leave the matter by simply prohibiting corporations practicing law and remitting it to the courts to define the term. The statute in terms forbids a corporation to hold itself out to the public as being entitled to practice law, to render or furnish legal services or advice, or to furnish attorneys or counsel to render legal services of any kind. This is what the defendant did. Its advertisement offered to furnish legal advice. In its preamble it indicated the importance of knowing what might legally be accomplished by a will, and then suggested itself as an appropriate adviser. What it actually did was to furnish an attorney at law to give the advice and render the services. The attorney was in the employ of a law firm regularly retained by the defendant. In rendering these services, he was in the employ of the defendant, and the services were rendered because of that employment. Whether the attorneys were paid specifically for these services by the defendant, whether the work was included in the general retainer, whether they were at liberty to refuse to perform the services unless paid by the party making the will, or whether they were paid at all, is unimportant. The evidence permits no other conclusion than that the services were rendered because of the attorney's employment by the defendant. Even if the attorneys acted gratuitously, because they looked forward to employment in probate proceedings, it was employment by the defendant. The attorney served

the client because of his employment by the defendant, and at the request of defendant.

Motives which often, if not usually, actuate men, would cause some attorneys in such a situation to regard primarily the interests of the corporation, and secondarily only that of the client. To prevent this divided allegiance, this law was passed. The finding of the court that the defendant furnished legal services and advice, and furnished an attorney to render legal services, was amply supported by the evidence. This is not like the case where trust companies, through their own attorneys, although at the expense of the client, examine and advise as to trust deeds before accepting the trust. In such cases the attorney represents the trust company only, and owes no duty or obligation to the grantor in the deed. In the instant case, the vice is that there is divided allegiance."

We quote from *The People of the State of New York, Appellant, vs. Henry Alfani, Respondent* (186 App. Div., 468). The court's statement of the facts:

(Decided December 9, 1919), 227 N. Y. 334.

"This is an appeal from a judgment of the Appellate Division, second department, reversing a judgment of the Special Sessions of New York City, borough of Brooklyn, convicting the defendant of violation Section 270 of the Penal Law by practicing as an attorney-at-law without a license.

* * * * *

CRANE, J. The defendant was convicted by the Special Sessions of the city of New York, borough of Brooklyn, of violating Section 270 of the Penal Law. He was not an attorney and counselor-at-law, but had for a long period of time drawn legal papers and instruments for hire and held himself out to the public as being in that business. His conviction was reversed by the Appellate Division on the ground that such acts did not constitute practicing law and, therefore, were in no wise contrary to the statute.

The question is fairly presented whether the things done by Alfani are open to the public generally or require a license from the state before a person can perform them for compensation and as an occupation.

Henry Alfani had lived at 475 Park avenue, Brooklyn, New York, since 1888. In the basement he had an office in which he carried on a real estate and insurance business. Distinct from such work he also drew legal papers, contracts for real estate, deeds, mortgages, bills of sale and wills. A large sign placed over his dining-room or basement window bore the words in big letters 'Notary Public — Redaction of all legal papers.' The defendant said 'redaction' meant the drawing of legal papers. He was sixty years of age and evidently an Italian, as he testified in part through the Italian interpreter.

On December 27, 1917, two investigators of the state industrial commission called on Alfani at his office and asked him to look after a matter for them. Gallo, one of the men, said his name was George Lecas and that he lived at 23 Cook street, Brooklyn, where he had a soda water stand which together with a stock of cigars, cigarettes, candies and malted milk he had sold to the other man, whom he introduced as Geannelis. The terms of the sale were these: The purchaser agreed to assume the seller's contract to pay five dollars twice a month to the American Siphon Company, from which the fountain had been obtained, \$65 being still due thereon; the stock was to be \$26 cash and the good will \$145 to be paid for by Geannelis — \$50 that night, \$50 January 15th and \$45 January 31st. The last payment was to be extended ten days if the purchaser was unable to meet it on time. The defendant advised that a bill of sale be drawn and that the purchaser give back a chattel mortgage. He explained about the necessity of filing the mortgage in the county clerk's office and the foreclosure by a city marshal in case of non-payment. The papers were drawn and executed, for which the defendant charged and received four dollars. Before

leaving Gallo said: 'In case I have any trouble of any kind and I need any legal advice, can I come back to you?' to which Alfani replied, 'Yes.'

* * * * *

To make a business to practice as an attorney-at-law not being a lawyer is the crime. Therefore, to prepare as a business legal instruments and contracts by which legal rights are secured and to hold oneself out as entitled to draw and prepare such as a business is a violation of the law.

It does not lead us to the conclusion to investigate the powers of notaries public under the Roman law or of scriveners and notaries under the English system past or present. The legislators who enacted Section 270 knew what practicing law was in this state, as many of them were of the profession and they were dealing with that as carried on here at the present day. It is common knowledge, for which the above authorities were hardly necessary, that a large, if not the greater, part of the work of the bar to-day is out of court or office work. Counsel and advice, the drawing of agreements, the organization of corporations and preparing papers connected therewith, the drafting of legal documents of all kinds, including wills, are activities which have long been classed as law practice. The legislature is presumed to have used the words as persons generally would understand them, and not being technical or scientific terms, 'to practice as an attorney-at-law' means to do the work, as a business, which is commonly and usually done by lawyers here in this country.

The reason why preparatory study, educational qualifications, experience, examination and license by the courts are required, is not to protect the bar, as stated in the opinion below, but to protect the public. Similar preparation and license are now demanded for the practice of medicine, surgery, dentistry and other callings, and the list is constantly increasing as the danger to the citizens becomes manifest and knowledge reveals how it may be avoided.

Why have we in this state such strict requirements for admission to the Bar? A regents' certificate or college degree followed by three years in a law school or an equivalent study in a law office marks the course to a bar examination which must finally be passed to entitle the applicant to practice as an attorney. Recognizing that knowledge and ability alone are insufficient for the standards of the profession, a character committee also investigates and reports upon the honesty and integrity of the man. And all of this with but one purpose in view and that to protect the public from ignorance, inexperience and unscrupulousness.

Is it only in court or in legal proceedings that danger lies from such evils? On the contrary, the danger there is at a minimum for very little can go wrong in a court where the proceedings are public and the presiding officer is generally a man of judgment and experience. Any judge of much active work on the bench has had frequent occasion to guide the young practitioner or protect the client from the haste or folly of an older one. Not so in the office. Here the client is with his attorney alone, without the impartial supervision of a judge. Ignorance and cupidity may here create damage which the courts of the land cannot thereafter undo. Did the legislature mean to leave this field to any person out of which to make a living? Reason says no. Practicing law as an attorney likewise covers the drawing of legal instruments as a business.

That such work is properly that of an attorney seems to be recognized by other provisions of law. Section 88 of the Judiciary Law (Cons. Laws, Ch. 30), relating to the disbarment of attorneys, makes it the duty of the Appellate Division in each final order of suspension to forbid the giving to another of an opinion as to the law or its application or of any advice in relation thereto.

Section 835 of the Code of Civil Procedure provides in substance that an attorney shall not be allowed to disclose a communication made by his client to him

or his advice given thereon, in the course of his professional employment. Such communications have referred to a deed (*Root v. Wright*, 84 N. Y. 72); an affidavit (*Williams v. Fitch*, 18 N. Y. 546); a chattel mortgage (*Yates v. Olmsted*, 56 N. Y. 632); and a bill of sale (*Britton v. Lorenz*, 45 N. Y. 51).

Also the summary power of courts over attorneys may be exercised in matters unrelated to court proceedings, the rule being stated in *Matter of Husson* (26 Hun, 130).

Even the instances cited below of scriveners and notaries public in foreign lands drawing legal papers sustain this contention, as the laws require such to be trained and experienced men. (Halsbury's Laws of England, Vol. 2, Sec. 636; Jenks Short History of English Law, pp. 201, 202; 6 and 7 Vict., ch. 90, passed 1843.)

The duties of notaries public here are defined by Section 105 of the Executive Law (Cons. Laws, ch. 18). Only in the name is there a correspondence to the continental official.

All rules must have their limitations, according to circumstances and as the evils disappear or lessen. Thus a man may plead his own case in court, or draft his own will or legal papers. Probably he may ask a friend or neighbor to assist him.

We recognize that by Section 270 and also 271 a person, not a lawyer, may appear for another in a court not of record outside of cities of the first and second class. The result can not be serious. The cases are generally of minor importance to the parties; such occasions are seldom frequent enough to make it a business, and the procedure is so informal as to constitute the judge really an arbiter in the dispute.

We must, therefore, in harmony with these views, reverse the judgment of the Appellate Division and affirm that of the Special Sessions.

Hiscock, Ch., J. I concur in the conclusions reached by Judge Crane on the ground that there was evidence consisting of defendant's sign and repeated acts

which permitted the trial court to find that the defendant held himself out to the public as being entitled to and did practice law in violation of the provisions of Section 270 of the Penal Law."

* * * * *

We quote from the opinion of the Attorney General of New York in the matter of the application of the New York County Lawyers' Association for an action to vacate the Charter and Annul the Corporate Existence of L. Tannenbaum, Strauss & Co., Inc. The issue was whether or not a corporation may lawfully institute and conduct certiorari proceedings for the reduction of taxes and assessments on real property for customers through an attorney selected and employed by it. The Attorney General of New York in an exhaustive opinion said:

"There can be no question but that the business conducted by respondent prior to October, 1914, as outlined in the statement of facts, involved the violation of Section 280 of the Penal Law and was of a character which a corporation could not lawfully conduct. It instituted and conducted certiorari proceedings for clients through an attorney selected, employed, furnished, directed and paid by itself. Though the act of employment of the attorney occurred prior to respondent's incorporation, the relations continued after the incorporation; certiorari proceedings were instituted by him after the incorporation at respondent's direction and in part for respondent's benefit. This I must hold to be practising law and furnishing attorneys and counsel to render legal services on the part of the corporation in violation of Section 280 of the Penal Law.

* * * * *

It cannot be successfully contended that one who undertakes for hire to conduct the certiorari case of another in court is not practising law. It would seem that the forum in which the work is performed cannot change the essential nature and character of the work itself. This work is such as attorneys at law commonly

engage in, and in which laymen do not commonly engage. It involves the giving of legal advice and counsel, the preparation of papers incident to proceedings on behalf of clients, and action taken for them in matters connected with the law, which the Eley and Duncan cases (*supra*) have held to constitute practising law. A corporation which does such work is acting professionally in legal formalities, which the Supreme Court of the United States has said in *Savings Bank v. Ward* (*supra*) is the work of attorneys at law, and is practising and appearing as, that is, in like manner as and doing work of the character usually done by an attorney at law before a judicial body, and holding itself out to the public as being entitled to render and furnish legal services and advice and furnishing counsel to render legal services of one kind on proceedings of that nature within the meaning and prohibition of Section 280 of the Penal Law, and is practising law within the meaning of that term as used in Section 2-A of the Business Corporation Law.

In my judgment it is not important that the service is not rendered in a court before a judge. Much of the lawyer's work is done with respect to matters which are never the subject of appearance in court or of court record or procedure.

Services of the nature which respondent has been rendering for clients before the Tax Board may not lawfully be rendered by a disbarred attorney. Section 88 of the Judiciary Law provides that a judgment or order suspending or disbaring an attorney must forbid the person suspended or disbarred from appearing as an attorney or counsellor at law, for a compensation or reward, 'before any court, judge, justice, board, commission or other public authority,' thus indicating that in the legislative mind such appearance before a board, commission or other public authority is practising law.

* * * * *

I conclude that in prosecuting and conducting proceedings for clients, for pay, before the Tax Board, for the cancellation or revision of assessments, respond-

ent has violated Section 280 of the Penal Law, has been doing a character of business denied to corporations organized under the Business Corporations Law, by the provisions of Section 2-a of that statute, contrary to public policy of the state regardless of statute, and that it should no longer be permitted to engage in such business."

At the St. Louis Conference Mr. Boston cited *Tannenbaum vs. Higgins*, 190 App. Div. Sup Ct. N. Y. 861 (now on appeal we understand to the Court of Appeals), as overruling the Attorney General's holding *supra*. The case holds that service under the contract there in issue which provides only for appraisal and calculation of tax values, absent agreement to bring certiorari or other legal proceedings, is not practice of the law.

In disciplinary proceedings instituted by the New York County Lawyers' Association in the Matter of Pace & Stimpson, Attorneys (170 App. Div. 818), Scott, J., says:

"We are therefore clearly of the opinion that the acts which the Corporation Company of Delaware undertook to do and did do in this State constituted the practice of law herein and were in direct violation of the law of this State. Whether or not its acts were lawful in Delaware does not clearly appear and does not concern us. It is sufficient that they were unlawful here. If these acts were unlawful in this State it is clear that the respondents assisted in and furthered them and therefore shared in the doing of the unlawful acts. For this they cannot escape responsibility, even although they erroneously believed that they were doing no wrong.

Their actions, however, since these charges were made against them, commend them strongly to our consideration. Not only did they frankly meet the charges and stipulate all the facts, but they have severed their relations with the Corporation Company of Delaware, and have discontinued the practices for which they were criticised by the complaining association.

Under these circumstances, while we cannot wholly overlook their acts which clearly amounted to profes-

sional misconduct, we find no occasion for administering any further discipline than censure."

"It may be taken therefore as the law of this State that it is unlawful for a corporation, whether domestic or foreign, to practice law in this State, and that any member of our bar who assists a corporation in violating the law in this respect, is himself guilty of wrong doing."

And in the Matter of Julius A. Newman, 172 App. Div. 173, an action wherein he by arrangement with a collection agency permitted his services as lawyer to be furnished by the agency upon a division of fees, Scott, J., says:

"The collection agency clearly held itself out as engaged in collecting claims by suit if necessary. Its circular said: 'A 10% fee on all claims, before suit * * * a 20% fee and minimum disbursements on all claims, where suit must be brought.'"

'Also

Terms for suit

On any sum up to \$1,000.....10%

On any sum over \$1,000..... 5%

Minimum fee\$5.00'

In case of suit, plaintiff is to pay all court costs in advance, in any event, but no fee shall be due the attorney except out of a recovery, unless the claim is contested, and there is extra labor justifying the extra charge. Such must be named and agreed upon. If defendant is to be examined in Supplementary Proceedings, an extra fee is also charged. No suit is commenced unless authority is given."

In its letter to respondent it enclosed a complaint verified not by it as plaintiff but by its customer. 'This claim is given to you on a 10% basis and if collected we are to receive one-half of 10% from you. This is for bringing suit, and as far as taking judgment. After that, if necessary, different arrangements will be made with our client for examination of debtor in Supplementary Proceedings.' In another letter enclosing two verified complaints it said: 'It is understood that this claim is taken on a 10% basis with the usual division between offices.' The respondent therefore did promise

and give a valuable consideration to the agency as an inducement to placing or in consideration of placing in his hands a demand for the purpose of bringing an action thereon as prohibited by Section 274 of the Penal Law.

We are clearly of the opinion that the relation was one which this Court cannot sanction or approve. An attorney of record will not be permitted to deny that the relation of attorney and client exists between himself and the person for whom he appears and conducts litigation. Nor can this Court sanction the splitting of fees by an attorney with a laymen or a corporation, or a voluntary association not authorized to practice law as an inducement or reward for the procuring of business (*Matter of Clark*, 108 App. Div., 150; *aff'd* 184 N. Y. 222; *Matter of Shay*, 133 App. Div., 547; *aff'd* on opinion of Ingraham, J., 196 N. Y. 547.)"

In *re Duncan*, 24 L. R. A., N. S., 750 (South Carolina) the court said:

"It is too obvious for discussion that the practice of law is not limited to the conduct of cases in court. According to the generally understood definition of the practice of law in this country, it embraces the preparation of pleadings and other papers incident to actions and proceedings on behalf of clients before judges and courts and in addition conveyancing, the preparation of legal instruments of all kinds, and, in general, *all advice to clients and all action taken for them in matters connected with the law*. An attorney at law is one who engages in any of these branches of the practice of law. The following is the concise definition given by the Supreme Court of the United States; 'Persons *acting professionally in legal formalities, negotiations by or authority of their clients may be regarded as attorneys at law within the meaning of that designation as employed in this country.*'"

The United States Supreme Court in *Savings Bank v. Ward* (100 U. S., 195; 25 L. Ed., 621) says:

"Persons acting professionally in legal formalities, negotiations or proceedings by the warrant or authority

of their clients may be regarded as attorney at law within the meaning of that designation as used in this country, and all such when they undertake to conduct legal controversies or transactions profess themselves to be reasonably well acquainted with the law and the rules and practice of the courts and they are bound to exercise in such proceedings a reasonable degree of care, prudence, diligence and skill."

DEFINITIONS IN OPINIONS BY ATTORNEY GENERAL OF
NEW YORK.

We quote from the opinion of the Attorney-General of New York a second hearing in the Matter of The Application for the institution of an action to vacate the charter and annul the corporate existence of The National Jewelers Board of Trade:

STATEMENT

"In May, 1914, an application was made to the Attorney-General of the State of New York by one Apfel for the institution of an action under Section 131 of the General Corporation Law to vacate the charter and annul the corporate existence of the National Jewelers Board of Trade.

This drastic step was asked on the ground that in addition to its lawful and laudable objects and purposes the respondent had been guilty of the performance of acts at once *ultra vires* and illegal. These acts, the complainant-petitioner contended, consisted of the maintenance of a collection bureau or agency which performed services amounting to the practice of law. Inasmuch as the Penal Law of the State of New York makes it unlawful for any corporation to practice law, the petitioner urged the forfeiture of the respondent's character as the penalty of its alleged wrongdoing.

After a hearing on that application a ruling was made by the Attorney-General granting the application for the institution of the annulment action, unless the respondent corporation submitted satisfactory proof by October 1, 1914, that it had permanently ceased pursuing the business of a collection agency and furnishing attorneys and counsel to members or non-members.

The order carried a further provision, that a copy of the proof so to be furnished to the Attorney-General should also be submitted to the attorney for the petitioner and to the Committee on Unlawful Practice of the Law of the New York County Lawyers' Association, and gave to the petitioner or such committee the right, should the good faith or sufficiency of the proof be questioned, to compel the respondent to submit further evidence. Upon the submission of all the proof the Attorney-General was to make his final order granting or refusing the application.

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In compliance with this order, proof in affidavit form tending to show a cessation of the practice under criticism was submitted to the Attorney-General and to the New York Lawyers' Association as intervener. The intervener thereupon objected to the alleged proof furnished by the respondent, on the ground that it was merely a statement in conclusion form, and that it presented no such actual proof as was required by the Attorney-General's order. The holding of further hearings was therefore requested by the intervener, to the end that a full inquiry could be had as to the changes made in the conduct of its business by the respondent and a determination reached as to whether it had actually and permanently ceased performing the acts under complaint. The present proceeding was accordingly instituted under order of the Attorney-General to take testimony on this point.

Julius Henry Cohen and George R. Adams, for the
Committee on Unlawful Practice of the Law of
the New York County Lawyers' Association, Intervener.

Beekman, Menken & Griscom, for the Respondent.

In an earlier proceeding it was held that the respondent herein, a membership corporation, was illegally conducting and operating a collection agency; that the

operation of such an enterprise was clearly an undertaking for pecuniary gain, not properly to be exercised by a membership corporation, and that in so far as the respondent engaged in the conduct of such a business venture it had exercised privileges and franchises not conferred upon it by law. Not only was this held to be so, but the report of the Attorney-General went further and indicated clearly that in its pursuit of the business of collecting claims the respondent had been practically guilty of the crime of illegally practicing law.

The testimony now brought forward by the respondent to show that these unwarranted and improper practices have been stopped may be summarized as follows:

After a series of conferences, a corporation was formed to take over the collection business formerly handled by the respondent. This organization was declared to be formed to "preserve the good will created by the Board of Trade for the general benefit of its members." The name of this new corporate body was the Collection Bureau Incorporated of the National Jewelers Board of Trade, and, in substance, it undertook and performed the collection work which the respondent, under the earlier ruling herein, had been forbidden to conduct.

Under the broad and comprehensive view taken by the various courts in recent decisions this work constituted the practice of law.

In *Re Pace & Stimpson* (New York Law Journal, Jan. 10, 1916).

Re Duncan, 65 S. E. Rep., 210.

Eley v. Miller, 7 Ind. App., 529-535.

Matter of City of New York, 144 App. Div., 107.

Meisel v. National Jewelers Board of Trade, 90 Misc., 19.

The president of the respondent corporation frankly conceded that it was intended that its members should employ the new corporation for the purpose for which they had formerly employed respondent, and that it was the intention of the respondent, through its officers, so far as

practicable, to induce the members of the respondent so to employ this new corporation.

The new corporation, whose main directing officer was the secretary of the respondent corporation, had offices in the same building, on the same floor and in the same suite as the respondent, and its manager, one Stone, used the same office for his work in connection with his private affairs, for his duties, as secretary of the respondent corporation, and for his duties for the new corporation, at the same desk and in the same room.

The new corporation, formed in October, 1914, by the attorneys for the respondent corporation, had a capital stock of \$500, consisting of 100 shares of the par value of \$5 each. This capital stock, subscribed for by three members of the directorate, was subsequently distributed among other members of the respondent corporation in small fractional lots. The respondent's counsel was also counsel for the new corporation, and the by-laws of the latter body carried a distinct provision validating transactions which might be entered into between the new corporation and any other body corporate whose directors, or some of whose directors, might be the same as those of the newly formed bureau. This was obviously done in line with the policy of admitting and recognizing the common interests between the new corporation and the respondent.

In handling its collection matters the new corporation dealt with substantially the same lawyers as the respondent had dealt with in its earlier transactions, which had theretofore been condemned by the Attorney-General. Stone, the manager of the Collection Bureau, retained his salaried connection with the respondent after the formation of the new company, and that connection remained unchanged by or through the formation of the new body.

The entire assumption of the respondent, therefore, seems to have been that the organization of the new corporation, calling itself the Collection Bureau Incorporated of the National Jewelers Board of Trade, placed the inhibited collection business in new hands, namely, those of

a separate corporate entity, and thus avoided the consequences of the earlier censure and condemnation.

The fallacy of this contention, however, is shown by the following facts: The organization of the new corporation was the result of action on the part of the respondent; its stock is owned and held by members of the respondent in small fractional lots, and the significance of this becomes doubly apparent when it is remembered that the respondent is a membership corporation. The respondent turned over to the new corporation all of its collection business, other than court actions, for no other consideration than to preserve the good will created by the respondent for the general benefit of its members. The stock of the new corporation originally taken up by three subscribers, was later distributed among thirty of the members of the respondent body, some of whom were its directors. This distribution among members of the respondent was intentionally made at the time of the formation of the new body. Its incorporator, Ingersoll, was president of the respondent; Lorsch, another incorporator and subscriber of the new body, was a member and director of the respondent and is now its president, and Stearns, who is the president of the new corporation, is the secretary of the respondent.

The entire change in the conduct of doing business can clearly be stated thus: Prior to the decision of the Attorney-General the respondent had been engaged in practices which were condemned and inhibited. After the adverse decision had been rendered, the officers and members of the respondent corporation joined in the formation or organization of a corporation to which they gave the name Collection Bureau Incorporated of the National Jewelers Board of Trade. The officers and the owners of practically all the stock of this new corporation were officers and members of the respondent, and they undertook to carry on the collection business for the benefit of the respondent corporation. The new corporation charged a certain fee for collections and for the work which it undertook, ostensibly for compensation; but it must be remembered that its stockholders were all members of the

respondent, and it was admitted on the hearing "that the whole idea was that the board was the members; in other words, that, although incorporated, it was not a separate corporation; it was a part and parcel of and belonged to the members."

In short, the respondent, in devising the new subcorporation, was really not seeking to conform to the earlier order enjoining the respondent permanently to cease pursuing the business of a collection agency but was endeavoring to formulate a plan for the continued conduct of its collection department. In other words, nominal compliance with the order of the Attorney-General was being undertaken, not in order to conform to its spirit and intent, but in reality to evade it by the formation of a new body to be incorporated and controlled by members of the respondent for their own ultimate benefit and gain.

As we have seen, the new corporate body was undoubtedly a mere creature of the original respondent, the National Jewelers Board of Trade; its independent business existence was purely nominal, and its organization was had solely for the purpose of facilitating the conduct of a business for the benefit of the original corporation, although under the screen or cover of the new body.

The newly formed Collection Bureau Incorporated was hopelessly in debt, according to the testimony, and it seems not to have been designed, financially at least to be able to stand on its own feet. Its purpose was a mere makeshift designed to save the respondent, its parent body, from the censure which had theretofore attached to it for the practice and conduct of illegal acts. To hold that such a step, i. e., the formation of what may properly be called a subcorporation, worked a full compliance with the order of the Attorney-General would be to give validity to a scheme obviously intended to circumvent and to evade, rather than honestly and fully to comply with the order heretofore made. The general rule applicable to this entire state of facts may perhaps best be summed up as follows:

"If any general rule of law can be laid down in the present state of authority, it is that a corporation will be looked upon as a legal entity as a general

rule, and until sufficient reason to the contrary appears; but, when the notion of legal entity is used to defeat public convenience, justify wrong, protect fraud or defend crime, the law will regard the corporation as an association of persons. This much may be expressed without approving the theory that the legal entity is a fiction, or a mere mental creation; or that the idea of invisibility or intangibility is a sophism."

Applying the rule here laid down to the circumstances shown to surround the Collection Bureau, Incorporated, of the National Jewelers Board of Trade, and the respondent National Jewelers Board of Trade, can it be doubted that there is, in substance and effect, anything short of a complete identity of interest between the two bodies, or that the National Jewelers Board of Trade, considered as an association of individuals, is the real owner and controller of the new corporation? The Collection Bureau, Incorporated, of the National Jewelers Board of Trade is a mere separate name for the National Jewelers Board of Trade, being, in fact, the same collection of persons and of interests.

Under all these circumstances the device adopted, i. e., the formation of a new body corporate, is "neither new nor deserving of success." There is no new method of operation, no new use of remedies, no new results — simply the use of old methods and of former means in a different situation and under the nominal guise of a new corporation, which must, however, be regarded, as its incorporators intended, merely as a collection of the individuals in interest and not as an intangible separate body or entity.

There is ample legal authority for the general doctrine that the legal fiction of a distinct corporate existence will be disregarded in a case where a corporation is so organized and controlled and its affairs are so conducted as to make it merely an instrumentality or adjunct of another corporation. Courts are not powerless to strip off disguises that are designed to thwart the purposes of the law. When the conception of corporate entity is

employed to evade obligations, to circumvent statutes, or to protect and perpetuate inhibited practices, the courts will draw aside the web of entity, will regard the corporate body as an association of individuals and will do justice as between real persons.

In the case at bar the record abounds with evidence of the interlocking and close community of interest between the two corporations. The new plan of a separate corporate body to undertake collections for members of the parent body, the respondent herein, was frankly stated in a circular letter, to assure to the members of the respondent "the continuance of the same character of service" as they had theretofore received. The notice of any failure, bankruptcy or proposed general extension was sent out to all of the respondent's members in the old way. The same full and complete statements of the debtor's condition were furnished as before, and the secretary of the respondent was still deemed authorized to supervise a creditors' committee for the purpose of considering compromises, adjustments or extensions.

Further proof is found in the record that the respondent intended that its members should employ the new corporation for those purposes which had formerly been filled and served by the respondent itself, and the respondent, through its officers, even sought to induce its members to employ the new corporation, controlled and owned by itself, to perform the work theretofore improperly and unlawfully undertaken and done by the respondent.

From the foregoing it clearly appears that justice requires that the transparent form of corporate entity be looked through and the actual party in interest be recognized.

The use of the corporate name of the respondent by the newly formed subsidiary and auxiliary corporation was expressly authorized by the respondent's board of directors, and the use of this name by the new corporate body, coupled with its performance of functions originally discharged by the respondent itself, is of double significance. The intentional deliberate selection of the word "Bureau" as part of the new corporation's name, viewed

in the light of the accepted definition of that word, tends most strongly to show that the new corporation was in reality deemed and intended by its creators to be an integral part of the respondent, formed with that idea and conducting its business with the express willingness and desire of the respondent that its members should give unto this new corporation the work which they had formerly given to the parent body itself.

True it is that in contemplation of law a corporation is a legal entity, separate from the real persons who compose it. This doctrine, however, is limited to the uses and purposes for which it was adopted — convenience in the transaction of business, in suing and being sued in the corporate name, the continuance of rights and liabilities unaffected by changes in the personnel of corporate members.

But this doctrine cannot be abused. A corporation cannot be formed for the purpose of accomplishing an improper or illegal act under the guise or disguise of this fiction of a corporate entity. When such a condition is made to appear the fiction will be disregarded by the courts and the acts of the real parties dealt with, as though no such corporation had been formed. The good faith of the parties to such a transaction must be determined by its legal effect on the rights of others. If this legal effect works either a fraud, an injustice or an evasion of those rights, the theory or fiction of corporate entity must be cast aside. The evidence in the case at bar strongly suggests, in fact, it inevitably establishes, that the main, if not the sole, purpose of the organization of the new corporation called the Collection Bureau, Incorporated, of the National Jewelers Board of Trade was to evade the consequences flowing from a continuance of the acts prohibited by the earlier ruling of the Attorney-General herein.

There was no real attempt to conform to that opinion, to cease practices therein condemned, or to discontinue carrying on functions branded as illegal. A going collection business, carrying a measurable good will, together with the use of its corporate name,

was turned over to a new corporation by the respondent, the entire stock of that new corporation being in turn taken up and held in ownership by members of the respondent, and the sole object of such incorporation and turning over of business was an attempt on the part of the respondent to escape impending dissolution and to relieve itself of responsibility for the acts under condemnation by the Attorney-General.

The claim, therefore, that the interposition of this new corporate being precludes any further steps or action against the respondent must be held without merit. Formed and organized under circumstances which indicate a lack of good faith on the part of the respondent, its creation can be of no avail as a defense. There is nothing so sacrosanct in the certificate of incorporation as to take it out of the reach of that rule of law which holds that instruments, whatever their form, when executed and given in bad faith and to effectuate designs not sanctioned by law, will be set aside and held for naught.

On the original hearing it was the contention of respondent that it furnished no legal service or advice. This contention was decided adversely to the respondent. With full knowledge of the law, with ample opportunity to correct this abuse and to cease the condemned practices, a scheme was devised which had as its object the avoidance of the consequences of the statute. The same purposes, however, were still sought to be accomplished, the same ends to be served and the same activities to be continued. The formation or interposition of a new corporation created by and through the action of the respondent controlled and owned by its officers or its members, presented no such change as was required by the Attorney-General's ruling, or as should meet with his sanction.

Accordingly, I am constrained to find that the evidence submitted by the respondent falls short of proving that cessation of the unlawful conduct of a collection agency business which was required under the earlier order herein, and I recommend that the applica-

tion for leave to bring the annulment action be granted.
New York, February 1, 1916.

LEONARD J. OBERMEIER,
Deputy Attorney-General."

We quote from the opinion of Judge Arnold, of the Court of Common Pleas, Division 4, of the County of Philadelphia, in which he holds that a title insurance company, under the Pennsylvania statutes, is without power to draw deeds, as follows:

"They (title insurance companies) have no right whatever to do conveyancing, draw deeds, write wills or the like. Their conduct in this respect is an usurpation on the commonwealth. No Act of Assembly authorized them to do any such acts, and in these days of corporate greed, it is well to remind them that the law under which they are allowed to insure titles, and to make such contracts, agreements, policies, and other instruments as may be required therefor (Act of May 9, 1887, P. L. 159), authorizes them to make and perfect only such contracts as may be required to insure titles, and not to make or convey them. The argument that unless they are permitted to draw deeds and convey titles, they will have none to insure, is as specious as would be an argument that a fire insurance company should be allowed to make contracts to build houses in order to insure them. The consequence of the usurpation is not only the diversion of their legitimate business from lawyers and conveyancers, but the best school of the students of law, the law of real estate, is being destroyed. Knowledge of the foundation of the law and accuracy and precision in the use of law language is becoming obsolete. It is bad enough that such usurpations are tolerated without interference, but it is much worse to see the denial of them set up as a defense on a policy of insurance, which the company is authorized to issue, and on which, as in this case, it is clearly liable."

Gauler v. Solicitors' Loan & Trust Co., 9 Pa. C. C. Reports 634.

And under the scope of the function of the profession of attorney at law, we further quote from Pennsylvania statutes (20 Pa. Super. 447, 449), as follows:

"In Pennsylvania the profession of attorney includes much more than the mere management of the prosecution and defense of litigated cases. Unquestionably the professional relation of attorney and client may be established as to the investment of money. Where this relation exists by virtue of which money is entrusted to the attorney to be paid to a borrower, or otherwise invested, upon satisfactory security being given, he holds it for safe custody pending the consummation of the loan or other investment. This is as much a part of his duty as attorney as is the exercise of his judgment upon legal sufficiency of the security offered."

I—C

STATUTORY DEFINITIONS AND PROHIBITIONS AS EXISTING IN SOME OF THE STATES

Statutory definitions and prohibitions existing in Massachusetts, Missouri, Montana, New York and Oregon are presented below, without comment other than to direct attention to the Missouri policy, which at once removes the incentive to laymen and lay agencies to practice law and do law business by prohibiting the receiving by anyone not a licensed attorney, directly or indirectly, a fee therefor under penalty of a fine and of a forfeiture to the person paying the fee (unless he bring suit therefor within the time, then to the state) for a sum equal to three times the fee so charged and received. And, further, by prohibiting under the same penalties the division with a layman or lay agency a fee charged or received by a licensed attorney for practicing law or doing law business. By the Missouri law no discrimination for or against any lay interest is made and under it the licensed attorney is prohibited from pursuing either financial or physical cripples through and by means of lay solicitors or agencies upon a percentage basis. At the same time no layman is penalized for practicing law and doing law business without charge. It

frequently happens, for example, that a will, a contract, a deed, a mortgage or other agreement, or written instrument is desired and no licensed attorney is available to prepare the same or the person desiring such instrument is unwilling to pay for same; in such instance he may have the services of a layman.

The unlawful and improper practice of the law as defined and prohibited by statute in Massachusetts:

“ Chap. 432.—*An Act to Prevent Fraud or Imposition in Settlement of Claims for Damages.*

Be it enacted, etc., as follows:

Chapter one hundred and sixty-five of the Revised Laws is hereby amended by striking out section forty-five and inserting in place thereof the following new section:

Section 45. Whoever has been so removed and continues thereafter to practice law or to receive any fee for his services as an attorney at law rendered after such removal, or who holds himself out, or who represents or advertises himself as an attorney or counsellor at law, and whoever, not having been admitted to practice as an attorney at law in accordance with the provisions of this chapter, represents himself to be an attorney or counsellor at law, or to be lawfully qualified to practice in the courts of this commonwealth, by means of a sign, business card, letter head or otherwise, or holds himself out or represents or advertises himself as having authority or power in behalf of persons who have claims for damages to procure settlements of such claims for damages either to person or property, or whoever, not being an attorney at law, solicits or procures from any such person or his representatives, either for himself or another, the management or control of any such claim, or authority to adjust or bring suit to recover for the same, shall, upon a first conviction thereof, be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, and upon any subsequent

conviction by a fine of not more than five hundred dollars or by imprisonment for not more than one year.

Approved April 28, 1914."

Session Laws of Missouri, 1915, pages 99 to 101:

"Attorneys at Law. Defining the 'Practice of the Law' and 'Law Business'—Prohibiting the Doing Thereof for valuable Consideration by Persons not Licensed as Attorneys.

An Act to define the practice of the law and law business, to prohibit the doing thereof for a valuable consideration by persons not licensed as attorneys, by associations or by corporations and to provide penalties and remedies for the violation thereof.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Terms 'Practice of the law' and 'law business' defined.—The 'practice of the law' is hereby defined to be and is the appearance as an advocate in a representative capacity or the drawing of papers, pleadings or documents or the performance of any act in such capacity in connection with proceedings pending or prospective before any court of record, commissioner, referee, or any body, board, committee or commission constituted by law or having authority to settle controversies. The 'law business' is hereby defined to be and is the advising or counseling for a valuable consideration of any person, firm, association or corporation as to any secular law or the drawing or the procuring of or assisting in the drawing for a valuable consideration of any paper, document or instrument affecting or relating to secular rights or the doing of any act for a valuable consideration in a representative capacity, obtaining or tending to obtain or securing or tending to secure for any person, firm, association or corporation any property or property rights whatsoever.

Sec. 2. Who shall engage in the 'practice of law' or do 'law business'—penalty.—No person shall engage in the 'practice of law' or do 'law business,' as

defined in Section 1 hereof, or both, unless he shall have been duly licensed therefor and while his license therefor is in full force and effect, nor shall any association or corporation engage in the 'practice of the law' or do 'law business' as defined in Section 1 hereof, or both. Any person, association or corporation who shall violate the foregoing prohibition of this section shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine not exceeding one hundred dollars and costs of prosecution and shall be subject to be sued for treble the amount which shall have been paid him or it for any service rendered in violation hereof by the person, firm, association or corporation paying the same within two years from the date the same shall have been paid and if within said time such person, firm, association or corporation shall neglect and fail to sue for or recover such treble amount, then the state of Missouri shall have the right to and shall sue for such treble amount and recover the same, and upon the recovery thereof such treble amount shall be paid into the treasury of the state of Missouri. It is hereby made the duty of the attorney-general of the state of Missouri or the prosecuting attorney of any county or city in which service of process may be had upon the person, firm, association or corporation liable hereunder, to institute all suits necessary for the recovery by the state of Missouri of such amounts in the name and on behalf of the state.

Sec. 3. Fees or compensation received in 'practice of law' or in doing 'law business' not to be divided with whom — penalty. It shall be unlawful for any licensed attorney in the state of Missouri to divide any fees or compensation received by him in the 'practice of law' or in doing 'law business' with any person not a licensed attorney or any firm not wholly composed of licensed attorneys or any association or corporation, and any person, firm, association or corporation violating this section shall be deemed guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not less than twenty-five dollars nor more

than five hundred dollars and costs of prosecution, which fine shall be paid into the treasury of the state of Missouri. Any person, firm, association or corporation who shall violate the foregoing prohibition of this section shall be subject to be sued for treble the amount of any and all sums of money paid in violation hereof by the person, persons, association or corporation paying the fees or compensation which shall have been so divided, and if such person, persons, association or corporation shall not sue for or recover the same within two years from the date of such division of fees or compensation, the state of Missouri shall have the right to and shall sue for and recover said treble amount, which shall, upon recovery, be paid into the treasury of the state of Missouri. It is hereby made the duty of the attorney-general of any county or city in which service of process may be had upon the person, firm, association or corporation liable therefor, to institute all suits necessary for the recovery of said sums of money by the state of Missouri.

Approved March 22, 1915."

MONTANA.

REVISED CODES 1907

"SECTION 6388. *Penalty for Practicing Without License.* If any person practice law in any court, except a justice's court, or a police court, without having received a license as attorney and counselor, he is guilty of a contempt of court."

* * * * *

CHAPTER 90 SESS. LAWS 1917

"SECTION 1. Any person who shall hold himself out, or advertise as an attorney or counselor at law, or who shall appear in any court of record or before a judicial body, referee, commissioner or other officer appointed to determine any question of law or fact by a court, or who shall engage in the business and duties and perform such acts, matters and things as are usually done or performed

by an attorney at law in the practice of his profession for the purpose of this act shall be deemed practicing law."

The Attorney-General of New York furnished to the Committee the following, May 21, 1920:

PENAL LAW

"SECTION 270. *Practicing or Appearing as Attorney Without Being Admitted and Registered.* It shall be unlawful for any person to practice or appear as an attorney-at-law or as attorney and counselor-at-law for another in a court of record in this state or in any court in the county of New York or in the county of Kings, or to make it a business to practice as an attorney-at-law or as an attorney and counselor-at-law for another in any of said courts, or to hold himself out to the public as being entitled to practice law as aforesaid, or in any other manner, or to assume to be an attorney or counselor-at-law, or to assume, use, or advertise the title of lawyer, or attorney and counselor-at-law, or attorney-at-law, or counselor-at-law, or attorney, or counselor, or attorney and counselor, or equivalent terms in any language, in such manner as to convey the impression that he is a legal practitioner of law or in any manner to advertise that he either alone or together with any other persons or person, has, owns, conducts or maintains a law office or law and collection office, or office of any kind for the practice of law, without having first been duly and regularly licensed and admitted to practice law in the courts of record of this state, or, in case of persons licensed and admitted prior to July first, eighteen hundred and forty-seven, without having first been duly and regularly licensed and admitted to practice as attorney of or in the then Supreme Court or as solicitor in chancery or of the court of chancery, and without having taken constitutional oath and without having subscribed and taken the oath or affirmation required by Section four hundred and sixty-eight of the judiciary law and filed the same in the office of the clerk of the court of appeals as required by said section. Any person violating the provisions of this section is

guilty of a misdemeanor and it shall be the duty of the district attorneys to enforce the provisions of this section and to prosecute all violations thereof."

"SECTION 271. *None but Attorneys to Practice in Cities of the First or Second Class.* A person shall not ask or receive, directly or indirectly, compensation for appearing as attorney in a court or before any magistrate in any city of the first or second class or make it a business to practice as an attorney in a court or before a magistrate in any city of the first or second class, unless he has been regularly admitted to practice, as an attorney or counselor, in the courts of record of the state, but nothing in this act shall be held to apply to officers of societies for the prevention of cruelty, duly appointed, when exercising the special powers conferred upon such corporations under article six of the membership corporations law."

"SECTION 272. *Penalty for Violation of Last Section.* A person who violates the last section is guilty of a misdemeanor, and shall be punished by imprisonment in the county jail, not exceeding one month, or by a fine of not less than one hundred dollars or more than two hundred and fifty dollars, or by both such fine and imprisonment."

But this and the last section do not apply to a case where a person appears in a cause to which he is a party.

"SECTION 273. *Misconduct by Attorneys.* An attorney or counselor who:

1. Is guilty of any deceit or collusion, or consents to any deceit or collusion, with intent to deceive the court or any party; or

2. Wilfully delays his client's suit with a view to his own gain; or, wilfully receives any money or allowance for or on account of any money which he has not laid out, or become answerable for,

Is guilty of a misdemeanor, and in addition to the punishment prescribed therefor by this chapter, he forfeits to the party injured treble damages, to be recovered in a civil action."

"SECTION 274. *Buying Demands on Which to Bring an Action.* An attorney or counselor shall not.

1. Directly or indirectly, buy, or be in any manner interested in buying a bond, promissory note, bill of exchange, book debt, or other thing in action, with the intent and for the purpose of bringing an action thereon.

2. By himself, or by or in the name of another person, either before or after action brought, promise or give, or procure to be promised or given, a valuable consideration to any person, as an inducement to placing, or in consideration of having placed, in his hands, or in the hands of another person, a demand of any kind for the purpose of bringing an action thereon, or of representing the claimant in the pursuit of any civil remedy for the recovery thereof. But this subdivision does not apply to an agreement between attorneys and counselors, or either, to divide between themselves the compensation to be received.

3. An attorney or counselor convicted of a violation of any of the provisions of this section, in addition to the punishment by fine and imprisonment prescribed therefor by this section, forfeits his office.

4. An attorney or counselor, who violates either of the first two subdivisions of this section, is guilty of a misdemeanor; and, on conviction thereof, shall be punished accordingly, and must be removed from office by the Supreme Court."

"SECTION 275. *Limitation of Preceding Section.* The last section does not prohibit the receipt, by an attorney or counselor, of a bond, promissory note, bill of exchange, book debt, or other thing in action, in payment for property sold, or for services actually rendered, or for a debt antecedently contracted; or from buying or receiving a bill of exchange, draft, or other thing in action for the purpose of remittance, and without intent to violate that section."

"SECTION 276. *Application when Party Prosecutes in Person or by a Corporation.* The last two sections apply to a person prosecuting an action in person and to a cor-

poration engaged in the business of conducting litigation and providing counsel therefor, who or which does an act which an attorney or counselor is therein forbidden to do."

"SECTION 277. *Use of Attorney's Name by Another.* If an attorney knowingly permits any person, not being his general law partner or a clerk in his office, to sue out any process or to prosecute or defend any action in his name, except as authorized by this section, such attorney, and every person who shall so use his name, is guilty of a misdemeanor.

Whenever an action or proceeding is authorized by law to be prosecuted or defended in the name of the people, or of any public officer, board of officers, or municipal corporation, on behalf of another party, the attorney-general, or district attorney, or attorney of such public officer or board or corporation may permit any proceeding therein, to be taken in his name by an attorney to be chosen by the party in interest."

"SECTION 278. *Attorneys Forbidden to Defend Criminal Prosecutions Carried on by their Partners, or Formerly by themselves.* An attorney, who directly or indirectly advises in relation to, or aids or promotes the defense of an action or proceeding in any court, the prosecution of which is carried on, aided or promoted by a person as district attorney or other public prosecutor, with whom such attorney is directly or indirectly connected as a partner; or who, having himself prosecuted or in any manner aided or promoted any action or proceeding in any court, as district attorney or other public prosecutor, afterwards directly or indirectly advises in relation to, or takes any part in, the defense thereof as attorney or otherwise; or who takes or receives any valuable consideration from or on behalf of any defendant in any such action, upon any understanding or agreement whatever, express or implied, having relation to the defense thereof, is guilty of a misdemeanor, and on conviction thereof, shall be punished accordingly, and must be removed from office by the Supreme Court."

"SECTION 279. *Attorneys May Defend Themselves.* The last section does not prohibit an attorney from defending himself in person, as attorney or as counsel, when prosecuted either civilly or criminally."

"SECTION 280. *Corporations and Voluntary Associations Not to Practice Law.* It shall be unlawful for any corporation or voluntary association to practice or appear as an attorney-at-law for any person other than itself in any court in this State or before any judicial body, or to make it a business to practice as an attorney-at-law, for any person other than itself, in any of said courts, or to hold itself out to the public as being entitled to practice law, or render or furnish legal services or advice, or to furnish attorneys or counsel or to render legal services of any kind in actions or proceedings of any nature or in any other way or manner, or in any other manner to assume to be entitled to practice law or to assume, use or advertise the title of lawyer or attorney, attorney-at-law, or equivalent terms in any language in such manner as to convey the impression that it is entitled to practice law, or to furnish legal advice, services or counsel, or to advertise that either alone or together with or by or through any person whether a duly and regularly admitted attorney-at-law, or not, it has, owns, conducts or maintains a law office or an office for the practice of law, or for furnishing legal advice, services or counsel. It shall be unlawful further for any corporation or voluntary association to solicit itself or by or through its officers, agents or employees any claim or demand for the purpose of bringing an action thereon or of representing as attorney-at-law, or for furnishing legal advice, services or counsel to a person sued or about to be sued in any action or proceeding or against whom an action or proceeding has been or is about to be brought, or who may be affected by any action or proceeding which has been or may be instituted in any court or before any judicial body, or for the purpose of so representing any person in the pursuit of any civil remedy. Any corporation or voluntary association violating the provisions of this section shall be liable to a fine of not more than five thousand dollars

and every officer, trustee, director, agent or employee of such corporation or voluntary association who directly or indirectly engages in any of the acts herein prohibited or assists such corporation or voluntary association to do such prohibited acts is guilty of a misdemeanor. The fact that such officer, trustee, director, agent or employee shall be a duly and regularly admitted attorney-at-law, shall not be held to permit or allow any such corporation or voluntary association to do the acts prohibited herein nor shall such fact be a defense upon the trial of any of the persons mentioned herein for a violation of the provisions of this section. This section shall not apply to any corporation or voluntary association lawfully engaged in a business authorized by the provisions of any existing statute, nor to a corporation or voluntary association lawfully engaged in the examination and insuring of titles to real property, nor shall it prohibit a corporation or voluntary association from employing an attorney or attorneys in and about its own immediate affairs or in any litigation to which it is or may be a party, nor shall it apply to organizations organized for benevolent or charitable purposes, or for the purpose of assisting persons without means in the pursuit of any civil remedy, whose existence, organization or incorporation may be approved by the appellate division of the Supreme Court of the department in which the principal office of said corporation or voluntary association may be located.

Nothing herein contained shall be construed to prevent a corporation from furnishing to any person, lawfully engaged in the practice of the law, such information or such clerical services in and about his professional work as, except for the provisions of this section, may be lawful, provided that all times the lawyer receiving such information or such services shall maintain full professional and direct responsibility to his clients for the information and services so received. But no corporation shall be permitted to render any services which cannot lawfully be rendered by a person not admitted to practice law in this state nor to solicit directly or indirectly professional employment for a lawyer."

OREGON

SECTION 1076 LORD'S OREGON LAWS

"An attorney is a public officer, but any person may act in that capacity who has been admitted as such by the Supreme Court of this state, or may hereafter be admitted, as provided in this chapter."

* * * * *

CHAPTER 422 GENERAL LAWS OF 1919

"Section 1. It shall be unlawful for any person, firm, association of persons or corporation to engage in the practice of law within the state of Oregon after the taking effect of this act, without first having been duly admitted and licensed as an attorney-at-law in the courts of this state."

"Section 2. Any person, firm, association of persons or corporation shall be regarded as engaging in the practice of law within the meaning of this act who shall undertake to represent or who shall represent parties litigant in courts of justice other than courts of justices of the peace, or district courts, or who shall, for a fee, prepare or undertake to prepare pleadings or other papers incident to actions, suits or special proceedings, or manage or undertake to manage such actions, suits or proceedings on behalf of clients before judges or courts, or in any manner act professionally in legal formalities, negotiations or proceedings by warrant or authority of clients or otherwise, or who shall, with intent to sell or dispose of services as an attorney-at-law or lawyer for a fee or otherwise, directly or indirectly, to induce the public in any manner to enter into any obligation relating thereto, make, publish, disseminate, circulate or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated or placed before the public within the State of Oregon, in a newspaper or other publication, or in the form of a book, notice, handbill, sign, poster, bill, circular, pamphlet, tag, label, letter or contrivance or in any other way or manner whatsoever, an advertisement of any sort regarding such services, wherein or whereby such

person, firm, association of persons, or corporation, shall, directly or indirectly, in any manner, by the use of any form of words or otherwise offer such services to the public as an attorney-at-law."

"Section 3. Any person, firm, association of persons, or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than \$100 or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment. All such fines shall be paid into the state treasury for the use and benefit of the common school fund, and it is hereby made the duty of the respective district attorneys to prosecute diligently all violations of this act."

II.

DEFINITION OF "WHAT CONSTITUTES UNLAWFUL AND IMPROPER PRACTICE OF THE LAW BY LAYMEN OR LAY AGENCIES"

Court definitions under subhead I-B, statutory definitions under subhead I-C, and this Committee's definition under subhead I-A, hereof, make it unnecessary for the Committee to discuss or enumerate at length specific acts which constitute "unlawful and improper practice of the law by laymen or lay agencies." Any and all practice of the law by laymen or lay agencies necessarily is unlawful and improper; otherwise there would be no such thing as licensed practitioners of the law. There is no such a thing as good or bad, preferred or excluded laymen in the practice of law, or a little unlawful practice by laymen or lay agencies. Whether an act or series of acts are or are not practice of the law does not depend or turn upon the question of whether the doer thereof is or is not licensed to practice law. If it did, then a wood sawyer appearing in court as an advocate for others, or drawing conveyances, or writing contracts for them in consideration of payment therefor, would be held to be sawing wood, while a licensed lawyer engaged in sawing wood would under such logic be practicing law. The test is whether the act involves a knowledge of the law, a redressing or preventing of a wrong, the enforcing, securing or depriving of a right. Conse-

quently where one as a vocation prepares a conveyance of any species of property whatever, or an instrument, securing procuring or effectuating it between persons with neither of whom there is privity with him, or the relation of master and servant in the ordinary and usual meaning of that term, he is practicing law unlawfully and improperly. So if an insurer of titles prepares conveyances of title, or other instruments, with respect thereto, not to or from himself, but to or from others with neither of whom there is privity with him or the relation of master and servant in the ordinary sense, he is unlawfully and improperly practicing law. So if a maker of abstracts of title, as a vocation, gives opinions on titles to persons owning or seeking to acquire them, not in privity with him or occupying the relation of master and servant in the ordinary sense, or if he assumes to give the legal effect of the documents, records and instruments in lieu of or in addition to the facts shown by them, he is unlawfully and improperly practicing law. So if a trust company assumes to draw wills or other legal documents, the trust company is unlawfully and improperly practicing law. So if a real estate broker, as a vocation, that is, charges for drawing conveyances or other legal documents between the seller and the buyer, he is practicing law unlawfully and improperly, because he is, obviously, clearly assuming, for a consideration, to prepare instruments legally and correctly conveying the property of one to the other in full and exact accord with the law. So if one as a vocation enforces, secures, settles, adjusts, or compromises, defaulted, disputed or tortious claims, accounts or controversies between persons with neither of whom he is in privity, or in the relation of master and servant in the ordinary sense, or if he assumes to advise or counsel as to the legal rights in respect thereto, he is practicing law unlawfully and improperly. A distinction between a draft through a bank or through a lawyer or collection agency is that the bank does not assume to advise or inform either the drawer or drawee as to his legal rights, or to present a second time or to sue if not paid, or to compromise or adjust any controversy, or to protect, or to enforce legal rights, but it merely assumes to act as a vehicle or conduit through which the money may be trans-

mitted, and the draft may or may not come into existence because of the default in the terms or time of payment, but in all instances the draft placed with a lawyer or collection agency arises out of a defaulted contract, and the lawyer or agency assumes to present time and again to report, to enforce by suit if need be, and to preserve and protect all of the drawer's rights whatever, and to advise and inform him with respect thereto.

Of course, just as one may eat his own dinner and not some-one else's, so may an insurer of titles prepare conveyances to and from himself; an abstracter may pass on the legal effects of instruments to or from himself; an insurer against liability may defend the insured, and a merchant or group of merchants may collect their own claims and not be subject to the charge of unlawful and improper practice of the law. A merchant may charge for delivering goods sold by him without becoming a common carrier, but not so, if he goes into the business of delivering goods for others; an insurer of titles may charge for drawing instruments of conveyance to and from himself and is not thereby guilty of unlawful and improper practice of the law, but it is quite another thing to charge for drawing instruments of conveyance to and from other parties. In short, wherever and whenever a layman or lay agency charges a fee, as an attorney's fee, for services rendered by it of a kind, character, and in a manner that an attorney may render and charge an attorney's fee for rendering, such layman or lay agency is in such instance unlawfully and improperly practicing law. Unlawful and improper practice of the law for a long time, or to a degree of large and dignified pecuniary proportions, does not make such practice lawful and proper. The right to practice law is not acquired by prescription, nor is it a right permitted only to the big and the great and denied to the little and the lowly. Society alone grants the right for its own protection, and in proportion as the right may be commercialized and prostituted to sordid selfish ends for mere purposes of financial gain is society weakened and injured.

Mr. Goodwin of the committee forcefully illustrated and illumined this point in the discussion at the St. Louis Conference in the following language:

"The federal government at the present time is collecting about six billion dollars a year under revenue statutes which are practically new. The innumerable questions which arise in regard to the legal obligation of the taxpayer are questions of law involving the construction and effect of federal statutes and requiring a knowledge of the fundamental principles of law and the application of the numerous decisions of the courts bearing on similar questions. Nevertheless thousands of persons not authorized to engage in the practice of law are advising clients in regard to these matters and are doing it as a permanent business. Moreover, I am free to say, as one engaged largely in that particular part of the practice, that these unauthorized and unlicensed practitioners are advising their clients very badly and that their activities, in many cases, result in enormous losses to the client, and in others to incorrect returns which cause embarrassment. All this results in a feeling of uncertainty and irritation on the part of the taxpayer.

Our federal tax statutes have been drafted with the purpose of relieving against cases of individual hardship as far as possible, and when properly interpreted do not in the main work injustice. Much of the present feeling of hostility toward our Federal Tax Department results from the fact that the taxpayers have been led, through widespread advertising, to rely on the counsel of those who were neither competent nor authorized by law to advise them.

The accountant has a very definite function in connection with the examination of books and in the making up of schedules in connection with federal tax returns, but he is not competent or authorized to advise clients on questions of law arising in the administration of federal statutes, and he ought not be permitted to do so."

Ever since Moses withdrew to Sinai for the preparation of the Tables of the Law, the lawyer has been, is now, and ever will be the "pillar of cloud by day and the pillar of

fire by night," guiding society out from Egypt — the house of bondage, to Canaan — the land of liberty.

ACKNOWLEDGMENT

The Committee compliments and congratulates the New York County Lawyers' Association on its splendid patriotic service, through its committees, in suppressing unlawful and unethical practice of the law, and appreciation is here expressed for the able assistance given and the valuable suggestions made to this Committee in its labors by the Special Committee, consisting of Messrs. Julius Henry Cohen, Harry W. Mack and Martin Conboy, appointed by the New York State Bar Association to assist this Committee. The work of that Committee in the form of a definition, together with the Committee reports on unlawful practice of the law for May 3, 1917, and for January 6, 1920, of the New York County Lawyers' Association, are made a part of this report, so that the Bar at large may have the benefit of that association's labor and accomplishments in this field.

Respectfully submitted,

W. H. H. PIATT,
JOHN LOWELL,
GEORGE SUTHERLAND,
CLARENCE N. GOODWIN,
HUGH HENRY BROWN,

*Committee of the Conference of Bar Association
Delegates to prepare a Brief for the use of
State and Local Bar Associations on "What
Constitutes Practice of the Law and What
Constitutes Unlawful Practice of the Law by
Laymen and Lay Agencies."*

DEFINITION BY THE SPECIAL COMMITTEE OF THE NEW YORK
STATE BAR ASSOCIATION

(a)

What constitutes practice of the law and unlawful and improper practice of the law as defined by the Special Committee of the New York County Lawyers' Association.

In the conduct of modern business, lawyers are frequently called upon to exercise functions which do not strictly come under the description of legal services. Everything done by a lawyer is not necessarily the practice of law. On the other hand, the term "practice of the law" has come to have a more or less well defined meaning as designating not only those functions peculiar to lawyers, the performance of which by a layman is generally regarded as against public policy, but it includes all the work of the modern advocate, such as appearances before public service and interstate commerce commissions, boards of arbitration and other modern tribunals — in short, wherever the lawyer's services as advocated are utilized, he is *practicing law*. But besides serving as advocate, the lawyer serves as adviser and counselor. In this country he occupies both the office occupied by the English solicitor and by the English barrister. Accordingly, "practice of the law" by lawyers in this country includes, besides the work of the advocate, the giving of advice as a lawyer, covering statutes, documents, corporate or private organizations — indeed, concerning the duties and obligations under the law of every conceivable form of human relationship, as well as the fixing of such duties and relationships in legal form, by contracts, charters, deeds, wills, articles of incorporation, co-partnership, statutes, etc., etc., and the representation, as a lawyer, of clients and the protection of their interests. Thus broadly stated, practicing law includes everything done in modern times by the professional legal advocate and adviser in his professional capacity. It includes, of course, conveyancing, and in so far as knowledge of the law is applied to accounting, the preparation of income tax returns, forms of bookkeeping, financial statements, etc., etc.

Many of these things may be done also by laymen. When so done they do not necessarily involve practice of the law, unless the layman does them as a practice for others, holds himself as qualified to do them, or represents himself as entitled to practice law or as qualified to perform such acts and to advise concerning their legal effect. Thus, though any man may draw his own contracts, deeds, leases or mortgages or income tax returns, and may call to his aid his bookkeeper or any other person, the person he so calls to his aid, if such person holds himself out generally as qualified to perform the service of drafting such documents in proper legal form or as qualified to give a legal opinion as to their validity or efficacy, is said to be *practicing law*. Thus a notary public who professes skill in drafting legal documents is practicing law (see *People v. Alfani*, 186 App. Div. 468). Of course, if the actual service of a lawyer is rendered in the performance of the task, the layman furnishing such service is practicing law — he is offering the service of persons presumably qualified to give expert advice in the field of the law. Thus the trust company which employs a lawyer to draw for the customer of the trust company his will or other legal documents, is practicing law. The title company which employs a lawyer to draw for its customers deeds or mortgages or to give advice concerning the law is practicing law. In the case of the title company, the only inquiry is whether or not it makes a practice of doing such things (see *People v. Title Guarantee & Trust Co.*, 168 N. Y. Supp. 278) and whether it does these acts unconnected with and disassociated from its insuring of a title. Whether or not drawing the contract for a sale which is to be the basis of the title it subsequently expects to insure is unlawful practice is still a moot question, (see *Gauler v. Solicitors' L. & T. Co.*, 9 Pa. Co. Ct. R. 634, and *People v. Title Guarantee & Trust Co.*, 191 App. Div. 165, now on appeal) though in our opinion the drawing of such a contract is not so connected or associated with the insuring of the title as to bring it within the exception to the rule. The drawing of a deed or satisfaction piece to perfect the title presents a close question, yet undetermined; but clearly the

bringing of suits or proceedings to clear titles is not within the insuring function of a title company.

The defense of litigation by casualty companies upon policies issued by them falls into a different grouping. As surety, the company defends *its rights*, not the insured, appearing for the insured as the party defendant only as the individual surety appears in litigation for the principal to safeguard its rights as surety. The right so to appear is part of the well-settled law of principal and surety. The corporate character of the surety does not change the principle.

Corporations cannot, unless specially permitted by the Legislature, practice law. This was made clear by Judge Vann in the Cooperatice Law Publishing Co. case, and was the law before the penal prohibition of such practice. The statute merely confirmed the common law and made penal what was theretofore *ultra vires*.

The line between what one may freely do for oneself as one's own lawyer and what one may not do is not always clear when the "oneself" is an association or group of individuals, as in the case of trade groups such as employers' associations, trades unions, credit or adjustment bureaus and the like. Such groups have common or group purposes. In the service of such common purposes, the services of lawyers may be collectively employed. Thus, to establish or defend a principle of law or a policy common to all, the association, union or group may have its lawyer. But when this requires representation of the individual member in court, difficulties arise, varying with the facts and circumstances of each particular case, but the principle involved, that is, that to sell, or offer for sale, the service of a lawyer to an individual client, is to engage in the *practice of the law*, remains clear. The group, as in the case of a committee of bondholders or stockholders of a corporation, is entitled to have counsel and professional services for the benefit of the collective body, and the services may be beneficial to all the bondholders or stockholders as the case may be, but the attorney is still the attorney for the group, association or corporation, as the case may be.

Difficulty of application of the principles rather than in their definition occurs again in the case of collection agencies. Un-

doubtedly it is not improper for a layman to collect or adjust an account for another. But if he must employ a lawyer to do it, or if he must enter court (either before or in bankruptcy proceedings) he goes beyond the layman's field and offers services, qualifications for which requires lawyer's training and experience and professional responsibility. When this is given, the collection agency is practicing law. In forwarding claims to receiving lawyers, does it practice law? If the agency is the directing principal and the lawyer is its employee, it surely is practicing law. If it acts merely as the transmitting agent of the client and the relationship subsequently between the client and the lawyer becomes one of client and lawyer—"personal and direct," as the cases define it—then, of course, the agency is not practicing law. The question is simple—Who is the lawyer's client, the agency or the agency's customer? Does the client know the lawyer, or does he only know the agency? These present questions which in each case are to be answered upon the facts. The difficulty is not with the principle. Practicing law includes the service of lawyers, and whenever such services are furnished, dealt in, or offered as part of the service of a layman, the layman is truly practicing law.

We conclude, therefore, that it is improper for laymen or corporations to furnish legal services, to give legal advice, to furnish the services of lawyers, as well as to appear in court for others in the assertion of legal rights, and as a matter of practice to draw legal documents. In the case of individuals it is against public policy and contracts based thereon are invalid. In the case of corporations it is both against public policy and *ultra vires*. Where forbidden by statute (as is the case in many states) it is also *unlawful*.

JULIUS HENRY COHEN,
HARRY W. MACK,
MARTIN CONBOY,

*Special Committee of the New York State
Bar Association.*

(b)

Report of New York County Lawyers' Association for May 3, 1917.

(c)

Report of New York County Lawyers' Association for January 6, 1920.

Note:—Reports (b) and (c) consist of nineteen and sixty-nine printed pages, respectively, published and distributed by the New York County Lawyers' Association, contain much of the matter quoted from court opinions in the body of this brief and are, therefore, not reproduced. Copies may be had by writing to the Secretary of the Committee on Unlawful Practice of the Law, New York County Lawyers' Association, 165 Broadway, New York City.

W. H. H. PIATT,
Chairman Special Committee to Prepare Brief.

APPENDIX B

The reports and recommendations of the Conference express the views of the Delegates to the Conference arrived at after deliberation, and are submitted to the American Bar Association and the State and local bar associations represented in the Conference for consideration.

COMMITTEE ON STATE BAR ORGANIZATION OF THE CON- FERENCE OF BAR ASSOCIATION DELEGATES

Clarence N. Goodwin, Chairman,
Chicago, Ill.
James Byrne,
New York City, N. Y.
W. H. H. Piatt,
Kansas City, Mo.
Thomas W. Shelton,
Norfolk, Va.
Clement Manly,
Winston-Salem, N. Carolina.

REPORT OF THE COMMITTEE ON STATE BAR ASSOCIATION

To the Conference of Bar Association Delegates:

Gentlemen:—

Your Committee on State Bar Organization, appointed under a resolution adopted at the last meeting of the conference, respectfully submits the following report:

The committee is anxious to put this report in the fewest possible words because it believes that the matter in hand is of the greatest moment to the bar, and it fears that an extended report, in view of the multiplicity of matters coming before the meeting of the association, would defeat its purpose, which is to bring the salient facts sharply to the attention of the delegates.

The suggestion for the incorporation of the various state bar associations seems to have been induced by a general belief that the following conditions exist:

(1) That the legal profession does not, at this time, enjoy that place in the confidence and esteem of the public to which it is plainly entitled.

(2) That no great improvement in this situation can be had without bringing the entire bar into an organization in which all lawyers shall have a part, and to which all shall be responsible for their professional conduct.

(3) That, subject to the final authority of the state supreme court, the bar itself should have broad powers of discipline and control over the matter of admitting applicants to the bar.

A painstaking investigation leads the committee to a conviction that the facts justify the belief that no reasonably satisfactory status can be acquired by the legal profession except through the creation of state bar organizations which shall be inclusive of the entire bar and possess broad powers of admission and self-government.

Your committee is not unaware of the excellent work accomplished by the voluntary state bar organizations now existing, and it attributes such measure of confidence and esteem as the bar now enjoys to a considerable extent to the efforts of these and local bar associations. It cannot, however, blind itself to the fact that the bar does not occupy that position to which the highly ethical conduct and undoubted learning of the great majority of its members entitle it. The many suffer from the misconduct of the few, and obviously the profession, as a whole, cannot attain its proper place in the public estimation until admission to and continuance at the bar are in themselves a guarantee of honesty and capacity. Clearly, a condition should be attained where any man can go to any lawyer and obtain reasonably sound and altogether honest advice on any ordinary legal question, and for a fee strictly limited by the degree of the importance of the question involved, and the value of the services rendered.

The limitation on the value of our voluntary bar organizations arises from the fact that they embrace but a small fraction of the bar's membership, have no official status and no powers of discipline over the members of the bar as such, and are limited in their internal discipline by the fact that the great mass of the bar lies entirely outside their jurisdiction.

The proposal suggested and discussed at the last meeting of this conference was embodied in a model act which provided for the incorporation of the existing state bar associations:

Four primary objections have been made to such a course:

- (1) The Constitutions of many States prohibit incorporation by a special act.

- (2) A strong sentiment within and without the bar against such special incorporation.

- (3) A doubt as to whether any lawyer could be compelled to be a member of a corporation so constituted.

- (4) A belief that the old state bar associations, on account of their limited membership and long standing, are capable of performing functions which might not be so well performed by organizations of the character proposed.

We are not prepared to say that these objections are without merit. The committee has made a careful and complete survey and finds that in many States such an incorporation of the existing bar organization is prohibited by the Constitution. We also feel that there is a strong sentiment against special incorporation, even in the States where it is not prohibited, and that there may well be grave doubt about the power of a legislature to force a lawyer to become a member of such a corporation against his will.

It was after the completion of the survey of the various State Constitutions and a consideration of the other points just mentioned, that the chairman of your committee had a conference with Mr. James Byrne of New York, also a

member of the committee, and Mr. Charles A. Boston, likewise a distinguished member of the New York Bar and one of the delegates of the American Bar Association to this conference. That discussion led, eventually, to what the committee conceives to be a correct analysis of the legal situation and the discovery of a practical means by which the desired object may legally be attained.

It is very clear, in the first place, that every member of a supreme court bar is, by virtue of that fact, an officer of the court, and has a definite legal status as a part of the machinery of the State Government. The members of the bar are the advising and moving officers of the court, just as the members of the bench are its deciding and decreeing officers. The court will not, and in many instances may not, proceed in any matter touching the life or the liberty of a citizen without the advice of counsel. The defense of a criminal is the official and mandatory duty of the lawyer when designated by the court. His responsibility for his actions in court and in legal matters is the responsibility of a government official, and not that of a private citizen. The supreme court bar of the State, therefore, is a body of public officials, appointed and commissioned under the laws of the State and constituting an integral part of its judicial department. They are, moreover, in fact and in law, a body politic, but unfortunately a body politic which has never organized as such and has never been organized in this country by any legislative act. Consequently, what your committee believes the situation demands is an act of the legislature providing the necessary legal machinery through which the bar may function.

Your committee is, therefore, of the opinion that what is necessary and practical is not a legislative declaration transforming the present voluntary bar association into a corporation created by special statute, but a legislative act providing for the organization and functioning of the existing State Supreme Court Bar.

Your committee approves of a great deal of the substance of the Bar Association Act discussed at the last meeting of the Conference of Delegates, and feels that much of it

could be placed with little change in an act for the organization and government of a state supreme court bar. Such an act would properly provide for a body of public officials to be known by some such title as the Governors of the Supreme Court Bar; it would define their duties and powers, provide for their selection by the entire bar, require the payment by the practising lawyers of an annual license fee into the State Treasury, or to the Treasurer of the Board of Governors, and empower the Board to disburse the fund for the purposes designated. Annual and special meetings of the entire bar could be provided for and, in general, the means would be supplied which would enable the entire bar to function as a body politic and become responsible for the competence, the character and the good behavior of those judicial officers of the court who would constitute its membership. No legal difficulty in the way of such an organization has occurred to the committee, and it believes that no practical legal difficulty exists.

We call the attention of the conference to the fact that this is the only civilized nation in the world in which the judicial bar is not a self-governing, responsible body politic, and it is likewise the only civilized nation in which the title of a lawyer does not carry with it a guarantee of professional integrity and responsibility.

The suggestion here made also meets the fourth objection urged to the original proposition, in that it purposes to leave the present state associations undisturbed and permit them to continue and to function as they have before to any extent which their members may think advisable. If an organized bar, such as outlined, shall prove capable of performing all the functions heretofore performed by the state bar associations, very naturally the latter will sooner or later cease to exist. But if there are social and other functions which an organized bar shall find itself incapable of properly performing, the present voluntary organizations will still be in existence for the purpose of supplementing and aiding the officially constituted bar.

It may be of interest to the members of this conference to know that the Nebraska State Bar Association, at its annual meeting in December, 1919, devoted a day to a consideration

of the question now under consideration, and after a very vigorous debate occupying the entire day, that association placed itself on record as favoring the proposition and directed its committee to prepare and submit a bill for the purpose to the next session of the legislature. The chairman of your committee was the guest of the association on that occasion and was privileged to present the matter to the meeting.

The chairman also accepted the invitation of the Milwaukee Bar Association to discuss the matter, and found that the members of that association were apparently unanimous in favoring an official organization of the Wisconsin Bar.

The chairman of the committee was unable to accept the invitation of the Maryland Bar Association, which set aside a day for the discussion of the question at its annual meeting at Atlantic City last June, and was obliged to present the matter by letter, but is advised by the Honorable Morris Soper, Chief Justice of the Supreme Bench of Baltimore City, and President of Maryland State Bar Association, that the matter was fully and favorably presented by the distinguished lawyers who had been asked to prepare themselves to discuss it and that the sentiment of the Maryland State Bar Association is in favor of the passage of a bill organizing the bar in the manner here proposed.

A copy of the letter from the chairman of the committee to the Maryland State Bar Association was also sent to Mr. E. R. Sunderland, of Ann Arbor, a member of the Michigan bar, in connection with the meeting of the Michigan State Bar Association held in Detroit in June. The matter was there brought to the attention of the bar association by its President, Claude Carney, Esq., who devoted practically all of his annual address to the subject. The Michigan Bar Association authorized the President to appoint a committee to draft a bill to be presented at the next legislature, for the organization of the state bar with similar powers to those here suggested.

Your committee is also informed that Judge John C. Hogin, President of the Kansas State Bar Association, devoted his address at the meeting of the association last March to the same subject, and the association authorized the committee to investigate and report a draft bill.

At a meeting of the Iowa State Bar Association held in June the matter was presented by Mr. James H. Trewin, a member of the Iowa Code Commission, and we are informed that a similar resolution prevailed.

Favorable action has likewise been taken by some of the local bar associations.

The chairman of the committee, at the request of the President of the Illinois State Bar Association, also presented the matter briefly to that body at its annual meeting and the incoming President, Honorable Logan Hay, in the course of his remarks at the annual dinner, said that he expected to make the consideration of the proposal a part of the work of the Illinois Bar Association during the coming year.

Doubtless other bar associations have had the matter under discussion and have taken some action.

Your committee does not assume to say that it has exhausted the subject in hand, but it does believe that its investigation has discovered the fundamental principles upon which any successful organization of an entire state bar must rest, and it believes they may be concisely stated as follows:

- (1) The act should not be an attempt to transform a voluntary organization into a body politic, but it should, rather, be a legislative recognition of the fact that the entire existing bar of the state, being in its nature a body composed of public officials, constituting an integral part of the judicial department, is inherently a body politic and the act should so declare it to be.

- (2) It should provide a governing body selected by the entire bar, which should have powers of discipline and admission subject to review and final control, for the present at least, by the Supreme Court of the State.

- (3) The members should be given an opportunity to express themselves officially on all questions touching the welfare of the bar and the better administration of justice.

- (4) The provisions of the act should be such as to give the members of the bar the fullest and most untrammelled means of expressing their choice in the selection of the governing body; and in this way every member of the bar should be made to feel that he is a responsible part

of the officially organized bar of the state and has duties and obligations growing out of that relation.

In this connection we suggest that as man is a social being, he is influenced largely by the general opinion of those with whom he is associated; consequently when he is made a part of an officially organized public body in the government of which he has a share, he normally is affected by its *esprit de corps*, and as a part of it feels an obligation to sustain its highest traditions.

Within the last few years we have seen millions of young men give an inspiring example of the effect of membership in an organization having great purposes and traditions. The most potent cause of unethical conduct in our profession is that the young lawyer does not become a part of an officially organized bar, and in the ordinary case does not even become a part of a voluntary professional organization. He remains isolated without anything to make him conscious of his relation to the bar as a whole, without being brought in contact with its great traditions; and without anyone authorized by law to advise him with reference to his duties.

Thus when green in judgment and often needy in circumstances, he is called on to decide the most delicate questions of professional conduct and, for the most part, is obliged to work them out alone. Is it any wonder that in such circumstances and being so isolated, he sometimes becomes an Ishmaelite, with his hand against every man and every man's hand against him? Is it not reasonable to argue that if millions of young men of all sorts and conditions, when brought into our military organizations, responded with enthusiasm to their high traditions of conduct and took the keenest interest in upholding the reputation of the units to which they belonged, likewise, if young lawyers, by the very fact of their admission to the bar become a part of an officially organized supreme court bar, and are given a voice in the selection of its governors and the establishment of its ethical code, they will support with enthusiasm the high traditions of their profession?

We submit, therefore, that the real need is to bring the entire bar into one body, to make every lawyer feel the duty which he owes to it, to give the members a source of authority in

matters of ethical conduct, and to authorize its governors, not merely to disbar, to punish, to discipline, and to censure, but in a most friendly and helpful way, to advise as officials having authority.

We realize that much has been done by voluntary organizations in the matter of instituting and carrying on disciplinary actions against unethical members of the bar. These efforts have been of enormous service to the profession. Oligarchic government is infinitely better than none, but we submit that the fundamental principles upon which our government and its institutions rest demand that the bar shall be self-governed and self-disciplined.

To leave the initiative in matters of discipline in the hands of a voluntary association is to leave those outside the association without responsibility or power, and therefore often without interest in the subject matter. Place discipline in the hands of an organized bar and you make every lawyer conscious of his responsibility and arouse his keenest interest.

We are confident that if the power of self-discipline is given it will be necessary to use it but seldom, and that when proper authority is lodged in the entire bar to fix its own standards and to administer its own discipline, those standards will be high and they will be complied with.

Respectfully submitted,

CLARENCE N. GOODWIN,
Chairman.

ST. LOUIS, *August 24, 1920.*

The President:

*Next in order is the Report of the Committee on Anachronisms of the Law.

Adelbert Moot, of Buffalo, presented the report as follows:

REPORT OF COMMITTEE ON ANACHRONISMS OF THE LAW

Mr. President and Gentlemen.—I regret to say that this report is not printed, through my own fault, as I was unable to begin the preparation of a report for the consideration of the other members of the Committee until the very last moment. Let me now revise it orally in conformity with the suggestions made by members of the Committee. We have no recommendations to make, the only office of this Committee being, as I see it, to call attention to certain things that ought to have further consideration from the Association as a whole, and ought, perhaps, to take definite form in the report of the Committee on Law Reform. It will be evident from the report of the Committee on Law Reform this year that so long as we have so faithful and energetic a Chairman of that Committee as we have had for many years now, in the person of Mr. Taft and in the person of Mr. Boston, nothing will fail on that account.

Briefly, anachronisms in the law — laws that are not dead yet, but are ignored or are merely struggling for life, about to be submerged — are so numerous that to recount them all would require the writing of a book or two. The Committee on Law Reform called attention to many important ones, and made recommendations as to one or two, perhaps, and the Committee on Federal Practice dealt with one, certainly.

Our law in its old home and in its home here progresses so very slowly, first forward and then backward, perhaps, that it is easy to see why there should be so many anachronisms, and it is easy to see that associations like this necessarily must make a study of them for the purpose of determining what shall be lopped off from a half dead, half alive law, or whether it shall be put out of existence altogether, having outlived its usefulness. In all Anglo-Saxon speaking countries a great

many laws die naturally and are left on the field absolutely unused because the times march on and the law has stood still. When the laws of this State were consolidated for the first time, many laws that had thus been left behind in the march of progress were found that, without the formality of repeal, had been as dead as Julius Caesar for many years. From the time of Alfred the Great, who seems to have spent his time in improving the law and in having it enforced so as to give the people some sort of a grip upon individual rights, down to King John and Magna Charta, the law seems to have gone backward rather than forward as a result of all the wars and all the other things that made for progress backward. So that Magna Charta seems to have been rather a revival of individual rights, so far as the barons were concerned, at least, rather than any step ahead. From Magna Charta down to the time that the Cavaliers came to Jamestown in Virginia and the Pilgrims and Puritans came to Massachusetts, the progress of the law, due to like causes, and even due to civil war in its old home, was very slow. And from the time of the landing of these pioneers in this country down to the Revolution, the progress of the law was not very rapid. Of course, when the Revolutionary War was over, that extraordinary group of men, whom we revere as the fathers, in the shape of State Constitutions and in the shape of the United States Constitution, gathered up an immense amount of the living law of their time and put it in lasting form. That is why we continue to hark back to these Constitutions as our fundamental law—not because they devised so much that was new, as because they saved so much that ought to be saved and put it where it could no longer be ignored, even by the rulers of democracy. And after the Federal Constitution was put in shape there were those debates that resulted in the amendments of that time—that guaranteed individual liberty to the citizen even as against the government, and made the Constitution undoubtedly a very much better working instrument. From that time down to the Civil War there was almost no progress in the fundamental law. Not only was there almost no progress, but you might say, looking at some things, that there was a retrograde movement, in some respects,

an ignoring of the law. Then came the Civil War, and then again able men brought together the things that had been fought for, and, in the XIII, XIV and XV Amendments they undertook to say that there should be individual rights not only for those who were here before the war, who landed either in Virginia or in Massachusetts, but that there should be the same individual rights for all races, I care not how humble, or what their previous condition of servitude may have been.

The last of those Civil War Amendments was adopted almost half a century ago. Yet those fundamental amendments, in some respects, have been ignored almost as much as if they did not exist. In part, they have been observed and enforced most vigorously, as to the rights of the individual, as against the State, taking the individual's property without due process of law, and all that, although that principle is as old as Magna Charta. The result of not enforcing part has been lynchings, mob rule, that has brought upon this country deserved criticism from the countries of Europe, and that make intelligent travelers from those countries and intelligent writers feel that we are only about half civilized after all. Those lynchings not only have taken place where the humble races, just emerging into freedom, most live, but we have seen them crossing into other parts of the country with that race and manifesting themselves in further lynchings, and in mob law. So that it is put up to us distinctly as lawyers exhorting observance of law, fundamental law, to consider whether the time has not come when the Congress of these United States and the highest court of the land are not called upon in some way, instead of side-stepping these great questions, to see to it that the very command of the Constitution is carried out, and to see to it that either these people have their rights, I care not how humble they are, or else that there be no representation on the basis of these people who are denied their rights.

Now, that is the first important anachronism that we see. Another one, in the field of the Federal law, is one that has been referred to, and that will probably be taken care of by the recommendation and the study that is being devoted to it by the committee trying to reform our practice in the Fed-

eral Courts. That is, it should not be necessary on a most important question involving the law of his entire state, that a lawyer should have to get out a writ of error, also a writ of certiorari in order to get that question before the United States Supreme Court. There is no reason why this anachronism, of various writs to review the action of the court below that is thought to be wrong, should continue to exist. Such errors should be easily reached by notices of appeal. Writs of error, writs of certiorari, and special practice, and all the rest, should be done away with. A man should no longer be denied rights upon the merits simply because he does not come into the temple of justice by the right door.

The next thing which we call attention to is our State Constitution — the State Constitution, harking back not to the Revolutionary conception of the time, but to the Constitution of 1846, which is very largely the foundation of our State Constitution of to-day. We submit that this is an anachronism now. It was an experiment then, and we submit that that experiment has not worked well. Why? Because it creates so many independent officials elected by the people, not coordinated to anything. The Secretary of the State should not have the power, through the mere issuance of automobile licenses and the political agents employed in the various counties of the State, to become so strong that he can almost nominate himself as Governor. And that at the expense of the taxpayers! And the Comptroller, equally powerful, perhaps more powerful, absolutely independent, with his retainers in every county collecting inheritance taxes, at an expense to the taxpayers out of all proportion, in many cases, to the services rendered, is so powerful that he can almost nominate and elect himself Governor. It was only because two of these officials, out of many that I might name, who are getting power in this way at the expense of the taxpayers, fought themselves — so to speak — to a standstill in seeking the nomination, that the people were finally able to draft as Governor of this State the President of this Association.

Now, what is the remedy that we suggest? Perhaps as able a Constitutional Convention as ever sat in this country studied these difficulties in 1915, and they made recommendations

concerning them, and reported an ideal Constitution for our approval, but the selfish interests of this State, political and profiteering alike, joined hands and the result was that the Constitution was defeated. But the debates that gave rise to it attracted attention all over this country, and the press from other parts of the country gave those debates more attention than did the press of our own State. The result is that the Constitution that the Convention drafted has proved the inspiration of other states of this Union. In Illinois in particular, they have revised the State Constitution, and, under Governor Lowden, at the very time our expenses were doubling and trebling, the expenses of Illinois were actually decreasing, as a result of giving to a governor the necessary power as the champion of the taxpayers to deal with these matters and to have a hand in the making of a State budget.

Now, what shall we do? While we make no recommendation, manifestly the thing to do is to have an amendment that will co-ordinate these various departments, and give to the Governor of the State, as the champion of the taxpayers, the necessary power to deal with this question.

One illustration. It is the special order of the day. It is your Practice Act. I will not spend any time on that except to remark that for forty years that has been a live subject of debate, but not a live subject of action, by this association. There have been committees of this association studying that question in one form or another ever since Governor Hughes was a young man, because I was an associate of his on one of those committees. But no action has been taken. We have now reached the point where we have legislation that will give us a code, so-called, of between 1,500 and 1,600 sections and 300 rules, and that will take part of the substantive law of the State out of the Code and put it where it belongs. The association apparently preferred that — although it did not say so deliberately — to a Practice Act of 42 sections and 315 rules, and having all the substantive law taken out of the Code and put into the various general laws, where it belongs. During the time that this discussion has been on, New Jersey, in 1912, adopted a Practice Act of 33 sections, which has worked splendidly. Connecticut and

Massachusetts have long had such Practice Acts, very simple and short, and they have worked satisfactorily, and there has been no effort on the part of their Bar Associations to have anything such as we call a code. Why, when I began to practice law I could carry the code in my vest pocket. It contained less than 500 sections, and less than 100 rules. You know what Mr. Throop did to that code because you use the present one. We think that our practice in this State is as complicated and as complex and as technical and as promotive of injustice, instead of justice, as that of any civilized land of which we know anything, and we think that the Bar Association of this State ought to do something, that will justify all this long discussion and consideration and study of the subject.

We make no recommendations, except that we call attention to these anachronisms, a few of them, so as to focus the light of publicity upon them. Now if the Committee on Law Reform thinks well enough of them, on deliberate consideration, they can make such recommendation another year as they deem best for your consideration.

James D. Andrews, of New York:

I should like to ask the Chairman of the Committee if they have taken any pains to define this word, "anachronism?" I was very much enlightened by reference to the Law Reform Committee, and I suggest that the term be given some degree of definiteness at a future time by the Committee.

Adelbert Moot, of Buffalo:

There may be some law dictionary that defines the term, but if there is, your Committee did not find it. The dictionaries, if we go to them to define the term, give various definitions to it. You can take your choice of those definitions. My observation is that the profession uses this term, "anachronism in the law," in a very loose way to cover laws that are dead but don't know it, laws that are dying, laws that are struggling in spite of themselves to live or die, and so on. It is not perhaps a very well chosen word to govern the situation, and yet I think in common parlance we understand what it means.

Julius Henry Cohen, of New York:

Permit me to say that that term came from the Conference of Bar Associations delegates. Prof. Roscoe Pound, Dean of the Harvard Law School, wrote a paper on the "Elimination of Anachronisms in the Law," and he gave a multitude of illustrations of anachronisms, which furnished the best kind of a definition. His paper was published in one of the reviews, and I would say that a letter addressed to him will bring the article to the attention of anyone interested.

(At this point the President requested Adelbert Moot, of Buffalo, to take the chair temporarily, and he did so.)

The President:

We will now receive the report of the Committee to Examine the Civil Practice Act, which will be presented by Judge Clearwater, the Chairman of the Committee.

A. T. Clearwater, of Kingston:

Gentlemen — This report of the Committee to Examine the Civil Practice Act has not been printed for the reason that notwithstanding three attempts were made to have it printed, they were abandoned because it was felt that if it were printed prior to the meeting of the Association it would be a mistake.

You will recall that this Association at the last meeting advocated the report and recommendations of the Board of Statutory Consolidation, of which the President of the Association of the Bar in this city is Chairman, of which, the presiding officer of the day, Mr. Moot, was a member, and Judge Rodenbeck the third member.

As Chairman of the Committee I advocated it. It was disapproved by the Association, by an overwhelming majority, the Association preferring the report and recommendations of the Joint Legislative Committee; this Committee, therefore, accepting the action of the Association as a predicate upon which to conduct their investigations and consultations, acted in accord with the Joint Legislative Committee, and with the President of this Association, going before the Legislature and requesting the approval by the Legislature, and the pas-

sage and adoption of the report of the Joint Legislative Committee.

Therefore, this report does not discuss nor present the views which were presented by it at the last meeting of the Association and which were disregarded. It is predicated entirely upon the action of the Joint Legislative Committee and of the Legislature following that report and recommendation.

Now, the report is of such a character that I shall read it. (Reading report.)

An eminent member of the profession came to me Thursday afternoon at a meeting of this Committee, and asked if I would not formulate in what he medically termed "tabloid form," so they could readily be comprehended, what I regarded as some of the immediately important provisions of the Practice Act, and I have done that.

Now, those, Gentlemen, are a few of the beneficent provisions of this Act. They have in England a provision which is not part of the Practice Act. They have a similar provision in New Jersey, and you will be surprised to hear, a stronger provision in Kansas than the one which we recommend, and that is this: "The Committee is of the opinion that an addition to the Article of Jeofails of the Practice Act might well be made substantially as follows: 'This Act and the Rules relating to it are remedial, for the guidance of courts, their attorneys, counsellors and officers. They are liberally to be construed and failure to comply with their provisions shall not prejudice a right or prevent relief.

If it affirmatively appear that strict compliance is essential to prevent injustice, the Court shall forthwith direct the defect to be supplied, and if necessary shall adjourn the action or proceeding to enable that to be done."

This paragraph I will read is not by way of admonition to the judges of the State, but by way of putting them in mind that we are decidedly in favor of the Practice Act, and a construction of it which will carry out our intent. A narrow and literal interpretation largely would defeat its purpose.

Constantly it should be borne in mind that the design of this Act is to simplify, expedite and lessen the expense of the procedure by which rights are enforced and wrongs are redressed. It does not deal with substantive rights; it deals with the methods of enforcing substantive rights and redressing substantial wrongs.

The letter never should be regarded as more important than the spirit, and the judges of all our courts should regard themselves not solely as arbiters, but as ministers of justice charged with the duty of seeing that Justice does not fail, because of the halting steps of some of those who approach its altar.

The Committee therefore presents and moves the adoption of the following:

Resolved, That the Association having approved the various Practice Acts passed by the Legislature of 1920, known as Chapters 925, 928 and 937 of the Laws of that year, suggests to the Legislature postponing the effective dates of those Acts from the fifteenth day of April to the first day of September, 1921.

Resolved, That the President of the Association be requested either to reappoint the present Committee to Examine the Practice Act, or to appoint another Committee charged with the same duty, and that such Committee be authorized to confer with the Joint Legislative Committee, or with proper Committees of both Houses of the Legislature and the Governor of the State regarding the amendment of the Act, and to agree with them on the character of such amendments.

I move the adoption of those recommendations by the Association.

Let me say in conclusion, Gentlemen, that the action of this Practice Act Committee (excluding myself) has been, I can heartily say, of a magnanimous order; but practically every one of us was in favor of the report of the Board of Statutory Consolidation. I stood here one year ago and advocated the adoption of that report very earnestly. You thought different. You decided that you preferred the action of the

Joint Legislative Committee, and you have it. But, notwithstanding it was rejected by the Association, I have this deluge of letters — even by some members who voted for the resolution — denouncing it.

The word “progressive” has been so abused that I shall not apply that adjective to this act, but I will say that the Practice Act is the greatest step in advance that has been taken by the Legislature of this State in the simplification of the Practice since the adoption of the Field Code. I feel very strongly that all these misgivings of our excellent but apprehensive friends, that all they have learned of procedure would go for naught, is a delusion. The language of the Act differs but slightly from the language of the Code, except in the emphasis that it places upon the abolition of technicalities.

Those of you who are familiar with the language of the Code of Civil Procedure will find themselves entirely at home in the language of the Practice Act; and to those who think they will find difficulty in locating the corresponding sections of the Code of Civil Procedure and the Civil Practice Act, let me say, that is delusive.

I have a copy of the Code of Civil Procedure, and annotated upon the margin, by a young man in my office, are the corresponding sections of the Civil Procedure Act. It hardly will be necessary for a lawyer whose head is mellowed with the passage of years, to devote his personal attention to that; he can entrust that to any competent subordinate. But I sincerely trust that you may decidedly emphasize by your votes your sentiments and your approval of the Practice Act.

REPORT OF THE COMMITTEE TO EXAMINE THE CIVIL PRACTICE ACT

To the New York State Bar Association:

GENTLEMEN.—The Committee to Examine the Civil Practice Act submits the following report:

As predicted by the Committee in its report to the Association at the last annual meeting, the Joint Legislative Committee secured the adoption by the Legislature of the passage of the following Acts relative to the Civil Practice in the Courts of this State.

First. The Civil Practice Act which is Chapter 925 of the Laws of 1920.

Second. The Surrogate's Court Act, Chapter 928 of the Laws of 1920.

Third. The Justices Court Act, Chapter 937 of the Laws of 1920, being an Act in relation to Justices of the Peace, and the practice and procedure in Justices' Court.

At a special meeting of the Association, held on the 14th of May last, the following resolutions, after due deliberation, were duly adopted:

"Resolved, that the report of the Executive Committee, dated May 14th, 1920, be approved and the President be authorized and requested to advise the Governor that in the judgment of this Association the group of bills referred to in the report of the Executive Committee, drafted and introduced by the Joint Legislative Committee, constitutes an improvement on the present system of procedure under the Code of Civil Procedure, and that their approval by him will tend to promote simplification, expedition and economy in the administration of justice in the courts of the State of New York, although such legislation does not go as far in the direction of simplification of practice as this Association has heretofore urged and still favors.

Resolved Further, that the special committee on the Practice Act be continued and directed to examine the said bills and report to the Association any amendments they may deem advisable, with power to confer with other Bar Associations."

The Acts all became laws on the 21st day of May, 1920, and become effective on the 15th day of April this year.

You will recall that the Association at its last annual meeting unanimously approved the recommendation of this Committee, and adopted the resolution prepared and offered by it, suggesting to the Legislature the passage of an Act providing for a convention to formulate general rules of practice.

The action of the Association was communicated to the Legislature which thereupon passed Chapter 902 of the Laws of 1920, providing for a convention representing the Judiciary and the Bar to consider and adopt such rules. That Act provided for a convention to formulate rules of practice not inconsistent with the Judiciary Law, nor with the Civil Practice Act, which shall be binding upon all the Courts in this State, and all the Justices and Judges thereof except the Court for the trial of Impeachments, and the Court of Appeals. It provided that the convention should consider the rules of practice suggested by the Joint Legislative Committee on the simplification of the civil practice; the Board of Statutory Consolidation; the Bar Association, and Judges and Lawyers; that it should consist of one Justice of the Appellate Division of each Judicial Department, to be chosen by the Justices assigned to such Appellate Division; one Trial Justice of the Supreme Court in each Judicial District to be chosen by the Justices of the Supreme Court elected therein other than the Justice assigned to an Appellate Division; one attorney and counsellor at law from each Judicial District, who had at least ten years active practice in the Courts of the State to be designated by the Governor; two members of the Board of Statutory Consolidation, to be designated by the Chairman thereof; six members of the Joint Legislative Committee on the simplification of the Civil Practice, to be designated by the chairman of such committee, and the Attorney General. That while all the members of the convention might participate in debates and informal votes, upon the adoption of rules and other matters, only the Justices of the Supreme Court should vote on the final adoption of the rules of practice.

Pursuant to that Act delegates were selected and appointed. The convention met at noon on the second Tuesday of June, 1920, and continued its sessions until the 21st day of September of that year, formulating the rules of practice which have been furnished to the profession.

The personnel of the convention, and the manner of its representation for historic convenience is set forth in Appendix "A" of this report.

Profoundly to the regret of this Committee, the State printer failed to furnish to the Bar and the public the Session Laws, including the Civil Practice Act, until late in December, a time of the year when the time of members of the profession solely is devoted to the consideration of the interests entrusted to them by their clients.

On the first day of December, 1920, the chairman of this Committee sent to every member of the Association a letter stating that the Committee would be glad to receive suggestions relative to the Practice Act in order that it might present them for the consideration of the Association at this meeting, asking them to give to the Act upon its receipt by them their immediate careful consideration, and fully to advise the Committee of their views as to the desirability of amending it specifically indicating the sections which in their judgment should be amended. The responses to that letter divide themselves into three classes:

1st. Helpful suggestions from members of the Association calling attention to a *casus omissus*, involved phraseology, contradictory expression, and doubtful meaning.

2nd. Letters of lamentation, bewailing the additional labor which the writers fancy will be precipitated upon the hapless members of the profession who think they will be unable to extricate themselves from a new labyrinth of statutory enactment.

3rd. Letters denunciatory, denouncing the Practice Act, its sponsors, and anathematizing the whole scheme of practice reform.

Letters of the third class neither require or deserve serious consideration; letters of the second class are best described in the language of their writers, one of whom says:

"Your Practice Act is much inferior to the Code of Civil Procedure. It is detrimental to the interests of the Bar and the public at large. It will create uncertainty and confusion, and unsettle the practice which has been long established and well defined by the decisions of the Courts, which uncertainty and confusion will necessarily result in extended litigation and delays, to the detriment

and expense of the public. Particularly will it entail a large amount of extra labor upon the part of all lawyers in active practice. They will have to learn the practice all over again, and some of us are getting old."

Another Barrister says:

"This Practice Act creates unnecessary confusion. You will have to refer from one book to another, and every practicing attorney will have to purchase new books at a considerable expense, and then all the previous decisions under the Code of Civil Procedure covering many years with which at much labor we have familiarized ourselves, will be worthless."

Still another writes:

"I am frank to say I believe the whole thing should be repealed. It never should have been passed. When you stop to consider the needless amount of extra work the lawyers, and even the Courts will be called upon to do to establish a brand new line of procedure, that can be safely followed, you immediately feel that the whole thing ought to be abolished. In the last thirty years every important question has been passed upon and a lawyer can get some idea of what to do and where he is at. When we begin to operate under your Civil Practice Act, we will begin our troubles all over because an endless number of new points will have to be decided by the Courts."

The notion that the store of knowledge accumulated during the course of years by these lamenting barristers will be wasted is the error of disturbed legal imagination. The Civil Practice Act is remedial, not destructive. The acquisitions of years still will be helpful, the principles which have guided practitioners and Courts since the abolition of the old Chancery practice, and the adoption of a Code, still will apply. This accumulated wisdom will be the more valuable because instead of being diffused in the effort to construe 3396 sections and sub-sections, it will be condensed to the consideration of the 1540 sections of the Civil Practice Act. Thus it will

be seen that those who lament do so without knowledge while those who anathematize may be left to the enjoyment to be derived from that inertia which always has been one of the few joys of an industrious and overworked profession.

Indicative of the interest taken by the members of the Association in perfecting the Practice Act, are the numerous suggestions of amendments to it in letters received by the chairman of this Committee in answer to his letter of the first of December, requesting them. They come from the leaders of the Bar in different Counties, and it may here be said that it is the experience of the Committee that lawyers of large practice, entrusted with important interests, are the most in earnest in sustaining and perfecting the Act.

In view of the unexplained, and as it seems to us, inexcusable delay of the State Printer in printing and distributing the Practice Act, we think that it would be wiser to postpone its going into effect from the 15th day of April to the first day of September next. We are skeptical as to whether the postponement will be of substantial benefit to the profession, it being the habit of most of us to defer the study of statutory law until necessity compels, but the postponement will deprive the lamentory practitioner of the grievance that forcibly and against his will he has had a new procedure thrust upon him without being given even the time fairly to open the volume. To him postponement to the Greek Kalends doubtless would be preferable, but that aphorism of Horace is as true to-day as when written by him nearly nineteen centuries ago, as without Governmental interdiction he sipped the Falernian pressed from the grapes grown upon his own farm on the sun-kissed slopes of the Sabinean hills — *Fata Volentum ducunt nolentum trahunt*.*

The counsel retained by the Joint Legislative Committee to collate the proposed amendments to the Practice Act, and to suggest others, writes that he has not been able to complete that work. The amendments submitted for our consideration are varied and numerous. It is not practicable in this report either to state or review them. To do so in the absence of

* The Fates lead the willing, and drag the unwilling.

exact information as to just what will be prepared and submitted to the Legislature by the Joint Legislative Committee not only would be futile, but misleading in that conclusions would be reached which might and probably would prove to be erroneous. The proper course to be pursued is to continue this Committee, or appoint a new one with authority to confer with the Joint Legislative Committee, both Houses of the Legislature and the Governor of the State in the effort further to perfect the Practice Act.

It is by no means perfect, but it is a great advance in the direction of a simplified practice. While it is difficult to summarize its benefits, it may be permissible briefly to enumerate some of its more notable provisions, among them are:

a. An action may be severed and actions may be consolidated whenever it can be done without prejudice to a substantial right.

(Section 96.)

b. At any stage of an action, special proceeding or appeal, a mistake, omission, irregularity or defect may be corrected or supplied with or without terms, and if a substantial right shall not be thereby prejudiced, such mistake, omission, irregularity or defect must be disregarded.

(Section 105.)

c. An error in a ruling of a Trial Court must be disregarded if a substantial right of any party shall not thereby be affected.

(Section 106.)

d. No action or special proceeding shall fail or be dismissed on the ground of a mistake in the Court in which the action or proceeding is brought, and whenever in any action or special proceeding it shall appear at any stage of the proceedings, or upon appeal, that the appropriate remedy upon the facts pleaded, alleged or proved, is different from that asked for in the pleadings or corresponding papers, the proceedings may be amended.

(Sections 110-111.)

e. The distinction between the orders of the Court and the orders of Judges is abolished.

(Section 128.)

f. No action or special proceeding shall be affected by the non-joinder or mis-joinder of parties. New parties may be added or substituted, and parties misjoined may be dropped at any stage of the cause as the ends of justice may require.

(Section 192.)

g. All persons may be joined in one action as plaintiffs, in whom any right to relief in respect of or arising out of the same transaction or series of transactions is alleged to exist whether jointly, severally or in the alternative. All persons may be joined as defendants against whom the right to any relief is alleged to exist whether jointly, severally or in the alternative; and judgment may be given against such one or more of the defendants as may be found to be liable according to their respective liabilities. It shall not be necessary that each defendant shall be interested as to all the relief prayed for, or as to every cause of action included in any proceedings against him.

Where the plaintiff is in doubt as to the person from whom he is entitled to redress, he may join two or more defendants to the intent that the question as to which, if any of the defendants is liable, and to what extent may be determined as between the parties.

(Sections 209 to 213 inclusive.)

h. Demurrers are abolished.

(Section 277.)

i. The taking of the evidence of parties and witnesses before trial is greatly broadened and simplified.

(Sections 288-328.)

j. The provisions for the issuance of letters rogatory are greatly amplified.

(Section 309.)

k. Judgment may be rendered by the Court in favor of any party or parties and against any party or parties at any stage of an action or appeal, if warranted by the pleadings or the admissions of a party or parties, and the judgment may be rendered by the Court as to a part of a cause or action, and the action proceed as to the remaining issues as justice may require.

(Section 476.)

l. Writs of mandamus, prohibition and certiorari are abolished, and provision is made for obtaining the relief heretofore afforded under such writ by simple order.

(Sections 1283, 1313, 1341.)

Your Committee is of the opinion that an addition to the Article of Jeofails (Art. IX, Sections 105 to 112) might well be made, and advise a provision substantially as follows:

"This Act and the rules relating to it, are remedial for the guidance of Courts, their attorneys, counsellors and officers. They are liberally to be construed. A failure to comply with their provisions shall not prejudice a right or prevent relief.

If it affirmatively appears that compliance is essential to prevent injustice the Court forthwith shall direct the defect to be supplied, and if necessary shall suspend or adjourn the action or proceeding to enable that to be done."

It has concluded, however, that it would be wiser to await the reception of the amendments prepared by the Justices of the Appellate Division and the Joint Legislative Committee before finally formulating its own views relative to amendments, it being its opinion that it is of the utmost importance that there should be as little divergence of view as to amendments presented to the Legislature as possible, for the reason that serious divergence of judgment between the Judges of the Appellate Division, the Joint Legislative Committee and this Committee inevitably will lead to still greater division in the Legislature, and thereby not improbably imperil the whole scheme of practice reform.

The benefit of the Act greatly will be enhanced by that liberal construction of its provisions by Trial and Appellate Judges, which its framers and the Legislature contemplated and hope to effect.

A narrow and literal interpretation wholly would defeat its purpose.

Constantly it should be borne in mind that the design of the Act is to simplify and expedite the procedure by which rights are enforced and wrongs are redressed.

The letter never should be regarded as more important than the spirit, and the Judges of all our Courts should regard themselves not solely as arbiters, but as ministers of justice, charged with the duty of seeing that justice does not fail because of the halting steps of some of those who seek it.

The Committee, therefore, presents and moves the adoption of the following:

Resolved:

First. That the Association having approved the various Practice Acts passed by the Legislature of 1920, and known as Chapters 925, 928, and 937 of the Laws of that year.

Second. Suggests to the Legislature postponing the effective dates of those Acts from the 15th day of April to the 1st day of September, 1921.

Third. That the President of the Association be requested either to re-appoint the present Committee to examine the Practice Act, or appoint another Committee charged with that duty, and that such Committee be authorized to confer with the Joint Legislative Committee, the proper committees of both Houses of the Legislature and the Governor of the State regarding the amendments and perfecting of the Act, and to agree with them upon the character of such amendments.

All of which is respectfully submitted,

A. T. CLEARWATER,
Chairman.

The President:

It might be well for us to hear from the gentlemen of the Legislative Committee before we begin open discussion. Is Senator Walters here?

J. Henry Walters, of Syracuse:

Mr. President, I had intended to wait until there was a general discussion of the Civil Practice Act, because the paper which I have prepared here was merely putting in tabloid form the various changes from the Code to the Civil Practice Act; and Judge Clearwater has touched upon most of the matters which have been changed.

The President:

If you prefer we will adopt your suggestion that the general discussion proceed now and you take up your presentation later.

Senator Walters:

I will take this position — I will read some of the changes which have been made, not referring to any to which Judge Clearwater alluded. I have checked those and I think Judge Clearwater has covered our own report in substance.

Now, may I say to the Association that there was a direct correction of the attitude or sentiment among the members of the Bar while we were making our investigation. First, we found those who did not want the Code amended at all, and it was perfectly satisfactory to them because they had practiced under it for years. Secondly, there were those who desired the entire Code repealed, for the reason that it was an institution ancient in its character and should be worshipped as a relic. There were those who desired the Code of Civil Procedure amended.

Now, the Joint-Legislative Committee found that those who desired the Code amended, clarified, or made more flexible were vastly in the majority, but not the majority of the whole. In other words, the two forces, those for the Code and those against the Code were, in our opinion, greater than those who were for an amended Code. We felt we never could

harmonize the three forces; but after our study we felt we could improve upon the Code of Civil Procedure. Our endeavor in making the new Practice Act was to discriminate between a right in and of an action and those actions which were wholly procedural.

We went further, and thought we could improve the Code by taking from it matters infrequent in use. For example, the right to change the place of trial is a right in an action, and we concluded that should be statutory. The papers upon which the relief was sought were procedural, and you will agree with me on the affidavits of merits, and many times the attorneys leave the courts because they had not rightly drawn their papers. We concluded, therefore, that things which were wholly procedural should be left with the Court, and we provided that they should be covered by Court rule.

Now, the infrequent matters were such matters as were in doubt, actions relating to public officers, etc., and we did for the purpose of convenience, boldly by force, take those sections from the Code and put them into the Consolidated Laws. We would not have done so, but that many matters of procedure are now in the Consolidated Laws. It was not a matter of convenience, for we would still have to look in both places for our procedure.

I can say that not a single amendment we have made to the Code of Civil Procedure, and not a single amendment which we suggest in the new Practice Act to the Code of Civil Procedure would be controversial but one, and that would be the examination of parties before trial. We found a great difference of opinion on the part of the proposals of the members of the Committee.

You may examine under the Practice Act under notice, and under the present procedure you obtain your order almost as a matter of fact. The shifting of the burden and limiting the examination is the only thing. If you desire to limit the scope of the examination, the procedure is the same thing under the Practice Act as it is now.

Now, may I give you the various changes in tabloid form? Joinder of Parties — Judge Clearwater has spoken of that.

Consolidation and Severance — A new section is included providing that actions may be severed or consolidated whenever it can be done without prejudice to a substantial right. **Demurrers Abolished** — This too was mentioned by Judge Clearwater. I can say that the present practice is taken advantage of more often on the pleadings in judgment than to plead by way of demurrer unless there is a desire to gain time.

Mistakes and Defects — The Joint Legislative Committee feels proud of its work in relation to mistakes and defects. All during an action mistakes and defects of every name and nature are possible of correction, and the Court has complete jurisdiction to try the case upon the merits, and not upon whether or not an astute lawyer on the one hand, or a lawyer who is not so familiar with practice has properly acted for the interests of his clients.

Judge Clearwater touched upon Court Orders and Judges' Orders, and Uniformity in Provisional Remedies. **Reversal by Appellate Division to Specify Grounds:**—A new Section has been inserted (C. P. A. 620) requiring the decision of the Appellate Division reversing a judgment or order, to state the exact ruling of the Court; that is, whether or not a reversal was made upon the facts or upon the law, or upon both the law and the facts, or that the facts were affirmed and the reversal was upon the law; and also whether or not the decision was unanimous as to an issue or a party.

A new section on Extensions of Time has been added (C. P. A. 98) on broader lines, giving the courts and judges greater freedom.

The next is Writs Abolished. (Senator Walters here read from his paper.)

Our theory of the abolition of writs was not to abolish the procedure; but we felt that after a court had granted an order that it was a perfectly useless procedure for the lawyer to secure his order in St. Lawrence County or in Saratoga County, to go to the County Clerk in St. Lawrence or Saratoga County upon a certificate and call that a writ. We felt that the order of the Court was of sufficient dignity for the purpose.

(Senator Walters then read extracts from his paper under the following heads: "Filing Papers;" "Referees, Receivers, Commissioners and Appraisers;" "Service of Papers;" "Service of Summons on Incompetent Persons;" "Substituted Service of Summons;" "Service of Summons Where People are Party;" "Appearance of Party;" "Additional Counterclaims;" "Action against Corporation on Promissory Note;" "Judgment on Pleading or Admission of Part of Cause;" "Effect of Judgment Dismissing Complaint;" "Declaratory Judgments.")

Senator Walters:

It is interesting to note in connection with a discussion of legislation upon this subject that an important decision was handed down in the Michigan Supreme Court in September, 1920, holding the Michigan Statute on Declaratory Judgments to be unconstitutional. (*Anway v. Grand Rapids Railway Company*.) The theory upon which this decision was based was that the Act conferred upon the courts power not judicial, and required the performance of acts not judicial in character. There was no actual controversy between the parties. Probably the case was not a good example of the sort of cases which would be submitted to the courts under these statutes. The provision in our own statute is in different language from the Michigan Act and provides that the declaration of the court shall "have the force of a final judgment." Under the rules adopted on the subject in this State the courts may decline to pronounce a declaratory judgment in their discretion. Provision is made for settlement of questions of fact by a jury and also for appeals in such actions "as in other causes." It is believed that when parties go into court in this State with actual controversies existing between them as to their legal rights or relations, under the act and rules, the courts will hear and determine the controversies as in other actions, although no cause of action has actually arisen.

(Senator Walters then read the remainder of his paper.)

Senator Walters:

While I am no longer a member of the Legislature or on the Joint Legislative Committee, yet I feel that I can state to the Association that the Joint Committee has suggested a bill now before the Legislature providing the time when the new Practice Act shall take effect shall be extended from April 15th next to October 1st, 1921. This postponement is rendered necessary because there has been unusual delay in the publication of the official laws.

In conclusion, may I say that one of the most helpful instrumentalities to make this Practice Act popular will be the Official Index, which is now being prepared. At a regular session of the Legislature there was submitted to Governor Smith a bill which provided that an official index should be made. Unfortunately that bill was defeated, but at the extraordinary session we re-introduced the bill and then Governor Smith was made to see the force of the argument in favor of an official index. In our work in framing this new Civil Practice Act we have found that the greatest dissatisfaction with the Code arose because the index was so poor, and it is worse than ever now. There has never been a complete index made of the new Surrogates Court Act. There have been amendments to the Code, but not co-related to the sections. Now, we shall frame an official index to the Civil Practice Act, to the rules, to the Surrogates Act, to the Justice Court Act, and, if we have time, I should advise that that Index also be so broad as to take in all procedure matters in the consolidated laws. The Joint Legislative Committee will be continued; new members will be appointed to it, and I am sure that the suggestion of Judge Clearwater will be carried into effect in that there will be complete co-operation between the members of the new committee and the committee of this Association.

Paper presented by J. Henry Walters, of Syracuse:

THE NEW PRACTICE ACTS

Since the adoption of the present Code of Civil Procedure nearly a half century ago, there has been persistent demand

for a change in our procedural methods. There have been committees of the State Bar Association, legislative committees, State boards and commissions, and many individuals, working from time to time in an effort to evolve a system of civil practice which would have fewer objections than our present system under the Throop Code as amended. It has been recognized by all who have given attention to the subject that a perfect practice cannot be attained under any system which might be devised and that no plan can be offered which will be satisfactory to all who have to do with practice in the courts. The aim of all has been to simplify our practice, but the means of accomplishing that simplification have varied with the ideas of those individuals who have devoted themselves to the work.

The culmination of all of this effort was reached last winter when the Legislature adopted and the Governor approved a number of bills presented by the Joint Legislative Committee on the Simplification of Civil Practice. By one of the acts passed, chapter 925, the present Code of Civil Procedure is repealed, and a new "Civil Practice Act" and several practice acts for particular courts are substituted.

The civil practice enactments of the last session of the Legislature are the outgrowth of the work begun by the Board of Statutory Consolidation some years ago and later taken up by a joint committee composed of members of the Senate and Assembly. This Joint Committee made a thorough and comprehensive study of the plan recommended by the Statutory Consolidation Board and all plans of other associations and committees. It later held numerous meetings with bar associations and lawyers in different parts of the State. It sent out thousands of circulars, pamphlets, questionnaires and reports to the judges and lawyers of the State. It courted the widest study of the subject of practice revision and sought suggestions and advice from every possible source. On several occasions the subject has been before this association for full and free discussion at its annual meetings. At intervals as the work progressed, the Joint Committee caused to be printed and distributed detailed information as to its ideas and plans.

As a result of all of its study and investigation of the present practice system, the present code, the plans suggested by all committees and boards of the past years, and the suggestions received from individual members of the bench and bar, the Joint Committee finally reached definite conclusions as to the course which should be pursued in the interest of justice generally.

For the purpose of this discussion, a review of all of the plans advocated by others for code simplification is unnecessary. It is sufficient to outline the plan recommended to the Legislature by the Joint Committee and to state what actual changes have been made by the new enactments by a comparison with the present Code of Civil Procedure. Bills carrying out the plans of the Joint Committee were introduced in the Legislature at the session of 1919, but were not pressed for passage at that time, the idea being to afford plenty of time for their examination by the public before final action should be sought. They were examined by the bar during the summer of 1919, rechecked and revised in minor particulars by the Joint Committee and again introduced in the Legislature in February, 1920, and enacted into law at that session. In this connection it may be proper to state that practically all of the information following has already been given to the bar and the public in the report of the Joint Committee to the Legislature under date of April 17, 1919, many thousands of copies of which report, consisting of 1,476 pages, have been widely distributed.

PLAN OF JOINT LEGISLATIVE COMMITTEE

The plan of the Joint Committee as embodied in bills introduced in the Legislature at the session of 1920, all of which bills became laws, was, briefly, as follows:

First.—The enactment of a separate Justice Court Act, a Surrogate Court Act, a Court of Claims Act, and a New York City Court Act. Provisions relating to the practice in these courts have not been included in the "Civil Practice Act." The text of the Surrogate Court Act is unchanged from the form in which it was revised by the Commission of Surro-

gates in 1914 and subsequently amended. The Justice Court Act is now a complete manual of the practice in justice courts.

Second.—The transfer to the Consolidated Laws of certain provisions of the code which were clearly substantive law and, without inconvenience, might be disassociated from general practice provisions. Also the transfer to appropriate Consolidated Laws of certain infrequent actions and proceedings whereby the bulk of the practice act should be reduced without causing inconvenience in practice.

Third.—The enactment of a "Civil Practice Act" containing such practice regulations as should be enacted in statutory form.

CIVIL PRACTICE ACT •

The Committee proposed and the Legislature enacted a new practice act known as the "Civil Practice Act." This new act, with appropriate rules of court, and the special court acts, will take the place of the present Code of Civil Procedure. It was the judgment of the Committee that its plan of combining in a single act to be adopted by the Legislature all of the general practice provisions in the course of an ordinary action, except such as should be covered by rules, was preferable for many reasons to any plan which would require an examination of a number of other acts before the general practice provisions could be discovered.

The plan of the Committee involved the omission from the proposed act of many regulations of procedural details some of which should be dropped entirely and others of which should be covered by court rules. In determining between what should be statute and what should be court rules, the general principle followed was to include in statute, rights of action and rights arising in the course of an action, and to recommend for court rules, details of practice and procedure.

In order to avoid confusion between references in court decisions, text-books, and elsewhere, to the new practice act and to the Code of Civil Procedure, the Committee suggested "Civil Practice Act" as the title for the new statute. The same name was adopted by the Board of Statutory Consolidation for its proposed practice act.

JUDICIAL DECISIONS RETAINED

In drafting the sections of the Civil Practice Act, and also all of the practice acts of particular courts, the language as appearing in the corresponding code sections was retained in identical form in most cases and the vast amount of judicial interpretation now existing as to code provisions will apply with equal force to the new acts.

Among some lawyers there seems to exist an unfounded misapprehension of confusion in practice to follow the advent of the Civil Practice Act. The present Code is issued by law-book publishers annotated with all relevant court decisions assembled in connection with the proper sections, together with adequate source notes and tables of distribution. A like service will be rendered in the publishers' editions of the new practice acts. The practitioner will turn to the new practice volume with the same ease and confidence as he now refers to the Code and with a minimum of inconvenience.

ARRANGEMENT OF CIVIL PRACTICE ACT

One of the great objections to the present Code arises from the arrangement of its provisions, or rather from the lack of arrangement. The Code has been the subject of frequent legislative additions and often these additions have been made without apparent thought as to the proper location of the new matter. Furthermore a very large part of the Code has been removed in recent years and transferred to various Consolidated Laws, leaving here and there but fragments of the former body and in some cases these are quite unrelated to the preceding and following portions of the Code. The result is that there is no real working arrangement of the present Code provisions.

The Joint Committee arranged the provisions incorporated in the new act under a logical as well as a convenient working arrangement, following the orderly progress of an action through the various steps from its inception to its final conclusion and satisfaction. After a brief acquaintance with the new act, the simplicity of its arrangement

will be found to obviate to large extent even resort to an index of its provisions.

The Civil Practice Act consists of 89 articles and 1,540 sections. There are no confusing chapter or title divisions of the text but a division merely into articles and sections.

The first three articles deal with general construction and definitions, limitations of time for the commencement of civil actions and proceedings, and general jurisdiction and powers of courts, judges and referees.

Following these three introductory articles are grouped Articles 4-22, embracing practice provisions more or less general in their nature, under the syllabus heading "General Practice Provisions." These articles, arranged in alphabetical order of subjects, cover abatement and continuance of actions; consolidation and severance; extensions of time; filing of papers; mandates; mistakes, defects and irregularities; motions; notices of pendency; oaths of referees and other officers; orders; payments into and out of court; preferences among actions; publication of notices and other papers; security by bonds and undertakings generally; service of papers; stay of proceedings generally; stipulations in lieu of certifications; tender and offer of compromise; and dismissal for want of prosecution.

Then come the articles under "Commencement of Action" covering Venue, Parties, Summons, Appearance, Pleadings, and Interpleader. Articles under "Preparation for Trial" follow and these include the Taking of Testimony by Deposition and also Discovery and Inspection provisions. Articles embracing these subjects are grouped next and in the order named: "Evidence," "Trial," "Judgment," "Motions for New Trials," "Appeals," "Executions" and "Provisional Remedies." Provisions defining the practice in particular actions and proceedings make up the next twenty-two articles, followed by "Costs, Disbursements and Fees." The last article contains saving and repealing clauses.

Under this allocation of related provisions it is believed that there will be not only greater convenience in the use

of the practice provisions than has been possible under the present Code of Civil Procedure but that the bringing together of such related provisions will of itself do away with much of the confusion in practice now existing.

CHANGES IN PRACTICE

The Civil Practice Act proposed by the Joint Committee and passed by the Legislature contains many changes in practice, all of which, in the judgment of the committee, will tend toward the betterment of our system of practice.

Attention is directed to some of the changes.

JOINDER OF PARTIES

A number of broad provisions upon this subject have been included in the new act. These provide that non-joinder or mis-joinder of parties shall not defeat an action or proceeding; that new parties may be added or substituted and parties mis-joined may be dropped at any time; that all parties may be joined as plaintiffs or defendants in whom or against whom any right to relief is alleged to exist, whether jointly, severally or in the alternative; that each defendant need not be interested as to all the relief prayed for; and that where the plaintiff is in doubt as to the person from whom he is entitled to redress, he may join two or more defendants with the intent that the question as to which is liable and to what extent may be determined. (C. P. A., §§ 192, 209, 211-213.) The provisions are modeled largely upon the English Practice rules.

CONSOLIDATION AND SEVERANCE

A general section is included in the new practice providing that for the purpose of expediting the determination of controversies, an action may be severed and actions may be consolidated whenever it can be done without prejudice to a substantial right. (C. P. A., § 96.)

DEMURRERS ABOLISHED

In the Civil Practice Act, the demurrer as a separate pleading has been abolished. An objection to a pleading in point of law for a ground appearing on the face of the pleading may be taken under the proposed new practice by motion. The demurrer has been abolished in England and New Jersey.

MISTAKES AND DEFECTS

The new practice act contains several new sections upon the subject of mistakes, defects and irregularities and the supplying of omissions. Justice is often defeated by too strict adherence to laws regulating these matters. The enactment of the broad provisions proposed by the committee is a great step towards the liberalization of practice and will obviate many of the technicalities of the existing practice. The sections have been drawn in quite general language and are intended to meet technical objections as they may arise at any stage of an action or proceeding, even on appeal. (C. P. A., §§ 105, 106, 110.)

A general section providing that when it shall appear in any action or proceeding that the appropriate remedy upon the facts pleaded or proved is different from that asked for in the pleadings or corresponding papers, the proceedings may be amended, upon proper terms, and may be continued or determined by the court and at the term where then pending, or remitted to the proper term to be disposed of, in order that the relief may be finally granted which is appropriate to the facts, to the same extent as if the application had been in the for instance for the relief granted. (C. P. A., § 111.) A similar provision is now found in the Code, but it is applicable only to mandamus and certiorari proceedings.

COURT ORDERS AND JUDGES' ORDERS

The distinction between court orders and judges' orders when in effect made by supreme court justices has been abolished in the new practice. (C. P. A., § 129.)

UNIFORMITY IN PROVISIONAL REMEDIES

A number of new sections relating to orders of arrest, temporary injunctions and warrants of attachment, are included in the Civil Practice Act, making the practice in these proceedings as uniform as possible so far as relates to the application for the order or warrant, the proof on the application or hearing, the granting of the remedy, the security required the recital of grounds, new proof on an application to vacate, and the granting of the relief after a counterclaim has been interposed. (C. P. A., §§ 814-825.)

In addition to making the provisions more uniform, a number of sections relating to the various provisional remedies have been clarified in language and a number of amendments have been made to existing practice in the interest of simplicity.

REVERSAL BY APPELLATE DIVISION TO SPECIFY GROUNDS

A new section has been inserted (C. P. A., § 620) requiring a decision of the appellate division reversing a judgment or order to state the exact ruling of the court, that is, whether or not a reversal was made upon the facts or upon the law or upon both the law and the facts or that the facts were affirmed and that the reversal was upon the law and also whether or not the decision was unanimous as to an issue or party.

EXTENSIONS OF TIME

A new section, formed in broad terms, relating to extensions of time by courts and judges, has been included. (C. P. A., § 98.)

WRITS ABOLISHED

The writs of mandamus, prohibition and of certiorari to review the determination of an inferior tribunal, have been abolished and the relief heretofore obtained under the provisions of the Code will be obtained by order under the new practice. (C. P. A., §§ 1283, 1313, 1341.) In each of these cases under the present practice an order must be secured first before the writ is allowed by the court and issued by the clerk. Under the new practice the order will be granted:

and thereupon entered in the county clerk's office and certified copies served, thereby doing away with the necessity of a writ.

The writs of *habeas corpus* and *certiorari* to inquire into the cause of detention provided by sections 2015-2066 of the Code have been retained in view of the provisions of section 4, article 1 of the State Constitution which provides that "the privilege of the writ of *habeas corpus* shall not be suspended unless when, in cases of rebellion or invasion, the the public safety may require its suspension." It might be constitutional to abolish the "writ" itself if the right to the same relief were recognized and provided for by appropriate order, but such action would undoubtedly result in litigation.

The writ of *habeas corpus* to bring up a person to testify has been abolished in the new practice and an order substituted. (C. P. A., §§ 415-420.)

The writ of assessment of damages now covered by sections 2103-2119 of the Code of Civil Procedure, has been omitted as unnecessary and obsolete.

FILING PAPERS

Section 824 of the Code now provides that the summons and each pleading in an action must be filed with the clerk by the party in whose behalf it is served within ten days after service. This requirement is observed rarely at the present time. The provision has been amended so as to provide for filing "within five days after notice from the adverse party requiring such filing and upon failure to comply with such notice, the court or a judge, in its or his discretion, may order that such summons or pleadings be deemed abandoned either absolutely or upon failure to file within a time, if any, permitted by the order." (C. P. A., § 100.) This section as thus amended will provide a method of requiring the filing whenever it shall appear necessary or proper.

REFEREES, RECEIVERS, COMMISSIONERS AND APPRAISERS

Uniform provisions have been included in the Civil Practice Act (C. P. A., §§ 81, 126) providing for the removal of a referee receiver, commissioner or appraiser, the appointment of successors and the oaths of such officers.

SERVICE OF PAPERS

The provision now contained in section 801 of the Code, applicable to New York city only, providing that deposit in a branch post-office shall have the same effect as a deposit in the general or principal post-office, has been extended in the new practice so that it is applicable generally throughout the State. (C. P. A., § 164.)

SERVICE OF SUMMONS ON INCOMPETENT PERSONS

A new provision is inserted in the Civil Practice Act providing that where a defendant has been judicially declared incompetent to manage his affairs, and a committee has been appointed, the court, in its discretion, may make an order dispensing with delivery of the summons upon the defendant in person. (C. P. A., § 225, subd. 2.)

SUBSTITUTED SERVICE OF SUMMONS

The provisions relating to substituted service of a summons have been clarified.

The Civil Practice Act contains a new provision to the effect that an order for service of a summons by publication upon an infant or incompetent defendant may be made where complete personal service of the summons cannot be made within the State, after due diligence, upon such infant or incompetent, whether a resident or non-resident of the State, by delivering a copy to the person or persons to whom a copy is required to be delivered in the case of personal service. (C. P. A., § 232, subd. 4.) This provision has been included in the new practice to cover cases where it is now found practically impossible to secure complete service of a summons upon an infant or incompetent under the present Code.

SERVICE OF SUMMONS WHERE PEOPLE ARE PARTY

A new provision has been included in the Civil Practice Act stating that in any case where the people of the State are by law a proper party defendant, the summons shall be served upon the Attorney-General, and also the further provision that the delivery of a copy of the summons to a Deputy Attor-

ney-General shall be equivalent to personal service upon the Attorney-General. (C. P. A., § 221.) The Code now contains several sections making similar provision, but in particular actions only. The practice has been made general.

APPEARANCE OF PARTY

The provision of Code section 55 to the effect that if a party has an attorney in the action, he cannot appear to act in person, where an attorney may appear or act either by special provision of law, or by the course and practice of the court, has been changed to broaden the right of appearance by a party by providing that a party having an attorney may so appear to act in person in the action with the consent of the court. (C. P. A., § 236.)

ADDITIONAL COUNTERCLAIMS

Code section 501 specifying the cases in which a counterclaim can be interposed has been changed to permit the allowance of counterclaims against the plaintiff and third persons. (C. P. A., § 266.) The new practice also provides that where a defendant sets up any counterclaim which raises questions between himself and the plaintiff along with any other persons, he must set forth the names of all persons who, if such counterclaim were to be enforced by cross action, would be defendants to such cross action. Where any such person is not a party to the action, he shall be summoned to appear by being served with a copy of the answer and he thereby becomes a defendant in the action as if he had been served with a summons.

ACTION AGAINST CORPORATION ON PROMISSORY NOTE

Code section 1778 now provides that in an action against a foreign or domestic corporation to recover damages for the non-payment of a promissory note or other evidence of debt, unless the defendant obtains and serves with his answer or demurrer an order directing a trial of the issues, the plaintiff may take judgment as on a default. The provision is technical. In practically every such case such

order is granted as a matter of course upon proof no stronger than verifications. The requirement of an order in such cases has been omitted, and as a substitute it is required that the answer of the corporation must be verified. (C. P. A., § 252.)

JUDGMENTS ON PLEADINGS OR ADMISSION OF PART OF CAUSE

A broad general section has been included providing that judgment may be rendered by the court in favor of any party or parties and against any party or parties at any stage of an action or appeal if warranted by the pleadings or the admissions of a party or parties and a judgment may be rendered by the court as part of a cause of action and the action proceed as to the remaining issues, as justice may require. (C. P. A., § 476.)

EFFECT OF JUDGMENT DISMISSING COMPLAINT

The Code provides that a final judgment dismissing a complaint "either before or after a trial" does not prevent a new action unless it expressly declares, or it appears by the judgment roll, that it is rendered upon the merits. The Committee adopted the suggestion of the Board of Statutory Consolidation and various bar associations that the rule, while remaining the same as to a dismissal before the close of the plaintiff's evidence, should be changed as to a dismissal at any time thereafter and in such case the dismissal will be deemed to be a final determination on the merits and will bar a new action unless the court shall dismiss without prejudice. The new practice so provides. (C. P. A., § 482.)

DECLARATORY JUDGMENTS

The subject of "declaratory judgments" is one which has been receiving much consideration in various parts of the country in recent years. The Joint Committee carefully examined the recommendations for a provision authorizing the granting of declaratory judgments in this State

and caused to be included in the new practice the following section:

"The supreme court shall have power in any action or proceeding to declare rights and other legal relations on request for such declaration whether or not further relief is or could be claimed, and such declaration shall have the force of a final judgment. Such provisions shall be made by rules as may be necessary and proper to carry into effect the provisions of this section," (C. P. A., § 473.)

Under the rules adopted on the subject in this State, the courts may decline to pronounce a declaratory judgment in their discretion. Provision is made for settlement of questions of fact by a jury and also for appeals in such actions "as in other causes."

DEPOSITION OF PARTIES AND WITNESSES

The Civil Practice Act simplifies the procedure for obtaining the testimony of a party or other person by deposition. The present cumbersome, technical and lengthy affidavit for obtaining an order is dispensed with, together with the order itself. The first step under the new practice is to serve a notice of the time and place of the proposed examination, the name of the witness and the nature of the issues. The examination follows as a matter of course unless the notice is vacated or modified on motion of the adverse party. The grounds upon which a deposition may be obtained are the same as at present except that the party may cause his own testimony to be taken as a matter of course and except also that the deposition of a witness may be so taken if he lives more than one hundred miles from the place of trial. Upon the hearing of the motion to vacate, the party desiring the testimony may use any affidavit, informal or otherwise, which is sufficient to sustain his right, the same as upon any other motion in an action. The moving party may also produce affidavits. Either party may also refer to the pleadings. In any case there is no statutory form the non-compliance with which prevents

the taking of testimony. A party may proceed by obtaining an order in the first instance as under the present practice in case he so desires. (C. P. A., §§ 280-309.)

DISCOVERY AND INSPECTION

Two new sections upon the subject of discovery and inspection have been included in the new act. One of the sections provides that a party may give notice at any time to any other party in whose pleadings or affidavits reference is made to any document, to produce such document for inspection or to permit copies thereof to be made. Any party not complying with such notice shall not afterwards be permitted to put such document in evidence unless he shall satisfy the court that the document relates only to his own title, he being a defendant, or that he had some other good and sufficient excuse for his non-compliance. (C. P. A., § 327.)

The other section provides that the court may make an order on the application of any party requiring any other party to state by affidavit whether any one or more specific documents to be specified in the application is or are or has or have been at any time in his possession or power and if not then in his possession, when he parted with the same and what has become thereof. The application must be made on an affidavit stating the belief of the deponent that the other party has or did at some time have the specified document or documents in his possession or power and that they relate to the matter in question. (C. P. A., § 328.)

Each of these sections was taken from the English practice.

BONDS AND UNDERTAKINGS

Several new sections relating to bonds and undertakings in actions and proceedings have been included in the Civil Practice Act. They relate to the conditions of a bond or undertaking generally; the justification of sureties; greater protection for infants and incompetents; United States bonds in lieu of cash bail; and security by domestic municipal corporations. (C. P. A., §§ 148, 151, 154, 157, 171.)

LEAVE TO APPEAL TO THE COURT OF APPEALS

A new provision has been inserted in the Civil Practice Act which provides that if the Court of Appeals be in recess during all or a part of the period of thirty days when an application for leave to appeal must be taken to such court after refusal of the appellate division to grant such leave, the application may be made upon notice served within such period to be heard after the expiration thereof, if noticed for a day not later than ten days after the court shall have reconvened. (C. P. A., § 591.)

LIABILITY OF GUARDIAN AD LITEM FOR COSTS

A new section provides that a "a guardian *ad litem* for an infant is not liable for costs unless specially charged therewith by the order of the court," thus placing the matter of the responsibility of the guardian *ad litem* in every case in the hands of the court. (C. P. A., § 205.)

TENDER AND OFFER

The new practice retains provisions providing for the tender of money after suit brought and for the payment into court in case of refusal to accept the tender, and providing also for offer to compromise. (C. P. A., §§ 171-179.) In including the provisions as to tender the practice is changed in certain respects. At the present time, when a defendant pays a sum of money into court as a tender in an action, it has been held that "the moneys belonged to the plaintiff from the moment of their deposit by force of their payment into court." *Taylor v. Brooklyn Elec. R. R. Co.*, 119 N. Y., 561, 563. In case the plaintiff accepts the defendant's tender, he can proceed with the action nevertheless. Resort, therefore, to these provisions is rare. The new sections change the existing rule that title vests in the plaintiff immediately upon payment into court. Under the new sections, if a plaintiff accepts a tender he will not be permitted to continue the action, and if he refuses to accept and subsequently fails to recover judgment, he will not be entitled to take out of court the moneys paid in by defendant as a tender, but if he recovers judgment, the sum

paid into court shall apply on the judgment and the surplus, if any, will be refunded to the defendant. The rule as to tender has been extended by permitting a plaintiff to make a tender to defendant after a counterclaim has been interposed in like manner and with like effect as a tender by a defendant. These two changes are set forth in language similar to the provisions now contained in the New Jersey practice.

COMMITTEE'S SUGGESTIONS AS TO COURT RULES

The Committee in preparing its proposed Civil Practice Act and other bills containing material to be retained in the form of statute eliminated many of the present Code provisions. The greater portion of such provisions were restated as tentatively suggested rules of court. With these were included the present General Rules of Practice. In some instances the original text was re-written, but in most cases the provisions were left substantially unchanged, the Committee believing that it would be better to have the text in practically its original form before the body charged with the work of revising the rules. The matter to be placed in rules covered details of practice and procedure which should be eliminated from the statutes.

Since the enactment of the Civil Practice Act and other bills proposed by the Joint Legislative Committee a convention of judges and lawyers of the State has been held pursuant to statute and this convention has formulated and adopted a set of Rules of Civil Practice to supplement the Civil Practice Act.

AMENDMENTS PROPOSED IN 1921

Various committees of this association and of other bar associations have been engaged in studying the new practice acts since the adjournment of the last Legislature. The recent convention to formulate Rules of Practice also considered the practice acts with a view to suggesting amendments. A number of amendments will be proposed during the present session of the Legislature and such as make for improvement should be adopted.

The Joint Legislative Committee has caused to be introduced in the Legislature bills which carry into the new acts the amendments to Code sections made at the 1920 session.

Another of the Committee's bills now pending amends the new Arbitration Law, enacted as chapter 275 of the Laws of 1920, to make such changes as become necessary by reason of the new practice enactments, and a further bill amends the Civil Practice Act to bring harmony between its provisions and those of the Arbitration Law.

POSTPONEMENT OF TIME TO TAKE EFFECT

The Joint Committee has suggested in a bill now before the Legislature that the time when the new practice acts shall take effect be changed from April 15th next to October 1, 1921. This postponement is necessary for several reasons. One very practical reason is that there has been unusual delay in the publication of the official edition of the Session Laws of 1920 on the part of the State Printer and there are no completely annotated editions of the new acts yet issued by publishers. The profession has not yet been sufficiently furnished with the necessary working tools properly to undertake practice under the new provisions. The postponement of their going into effect until October first seems only reasonable and proper under all the circumstances.

OFFICIAL INDEX IN PREPARATION

At the extraordinary session of the Legislature in September and the practice provisions contained in the Consolidation of a complete and comprehensive subject and section index furnished showing the source of all provisions of the new practice acts as well as the distribution of all sections of way. When completed, the bar will have the advantage. The last provision was made for the preparation of an official index of the new Civil Practice Act, the other court dated Laws. The task of preparing this index is now under of all civil practice provisions. Complete tables will be the Code.

SUMMARY

The new Civil Practice Act passed at the last session of the Legislature, in the judgment of the Joint Legislative Committee which prepared it and recommended its enactment, marks a long step in advance in the betterment of civil practice in the courts of New York. Since its introduction in the Legislature, thousands of copies of the act in bill form and otherwise have been distributed. Many who, before the passage of the act, favored the very radical plans previously proposed now favor the act which the Legislature passed.

The Committee's plan is based to a great extent on the principles which have governed the regulation of practice in our courts since the Revised Statutes of 1828. It differs from all past practice codes in that from it have been eliminated many details of practice and procedure which formerly have been included in statute form. Such details have been considered as details which should be regulated by court rules. It differs in even a greater degree in that it introduces a number of provisions which will lend greater elasticity to our practice, but at the same time it furnishes definite language to mark the course of an action in the courts, it furnishes some real chart of a litigant's rights, so that upon his getting into court he and his attorney will be informed of certain rules upon which they surely can rely.

There is a vast difference between the acts passed last winter and the act proposed by the Board of Statutory Consolidation. The Board's proposed practice act, as last presented, consisted of but forty-one sections. All other provisions intended to be retained in the form of statute were transferred to other acts or Consolidated Laws and provisions which were not to be statute were to be regulated entirely by court rules. This plan, in the form presented, was rejected by the Joint Committee, by the Legislature and by the bar generally and for many reasons. It involved too great a scattering of the statutory provisions, it transferred to rules many provisions which in the deliberate judgment of those who studied it should be retained

in a practice act and it left the practice generally in too indefinite and uncertain a condition to meet the needs of practice in a State such as our own.

The bar of the State generally should have no hesitancy in accepting the Civil Practice Act enacted last winter. A short trial in actual use in practice will show it to be much more convenient than the present involved Code of Civil Procedure and surely it will bring about a marked improvement in practice.

New York State, with the completion of all of this study and work upon its court practice methods will have a practice system which will undoubtedly stand for many years with but little need of material change. Naturally there will be amendments. The only way in which the growth of ideas can be carried into our practice, whether in statute or court rules, is by amendment. But bar associations and the bar generally should take a greater interest, now that they have this new practice act, of seeing to it that only such amendments are suggested to the Legislature and the courts, and only such amendments are adopted and approved by the Legislature and the Governor and the courts, as actually are necessary to supply deficiencies in or add unquestioned improvements to our practice system.

There should be no sentiment among thinking members of the bar of the State favoring the repeal of the practice enactments of 1920. Such a course would mean the throwing away of all of the diligent and painstaking effort which have been expended by boards and commissions representing the State, by this and other bar associations, and by individual lawyers and judges without number, the result of all of which was carried into effect by the last Legislature and the recent convention of judges and lawyers. It would mean undoubtedly that the matter of improvement in our civil practice would be set back for another ten or twenty years and it is inconceivable that the bar of New York State, upon mature reflection, will favor such a course.

Henry Purcell, of Watertown:

I notice that Judge Clearwater recommends the postpone ment of the going into effect of this act until September 1st, while Senator Walters recommends that the date be fixed as October first. Why is that

Senator Walters:

We recommend the longer time because of the necessary work in connection with the official index. We want to get the index out and have it printed and circulated sometime before the act takes effect. There is an apprehension, you know, that this Civil Practice Act is revolutionary in its scope. That is because the Bar has not read it, I think. This committee has circulated tons of literature, and we have asked for suggestions from time to time, but until the act was adopted and signed by the Governor and made the Statute Law, the Bar did not awake to the fact that it was going to have a new Practice Act. We want the index to go out with it, because that will make it popular. I believe it is a working tool that ought to be in the hands of every lawyer, and we want that completed so that it will all go out together. That is why we have put it over until October first.

A. T. Clearwater, of Kingston:

There will be no conflict of view between the committee to examine the Practice Act and the Joint Legislative Committee, and on behalf of the committee to examine the Practice Act I will accept the suggestion of Senator Walters that the act shall become effective on the first of October instead of, as I suggested, the first of September.

The President:

So that your motion is amended, changing the date from September first to October first.

Judge Clearwater:

Yes, sir.

Henry A. Forster, of New York:

I oppose this so-called Civil Practice Act from beginning to end. It is worse than either the first Code or the second

Code. It is mis-called a Practice Act; its result would be to fool the body of the Bar who were prepared to accept a practice act of from 30 to 60 sections with rules to be promulgated by the court. In 1848 the Field Code was passed. It consisted of 491 sections, if we include a short supplemental act which was at the end of it; and that created from 10 to 15 years of unnecessary procedural litigation. During that time the lawyers got the oyster and the clients got the shell. That injured very much the standing of the Bar as leaders of the people, but the Civil War came on and saved them. Then from 1876 to 1881 a Code, now called the Code of Civil Procedure, was adopted. That again led to a great many years of unnecessary procedural litigation in which the lawyers got altogether too much of the oyster and the clients got altogether too much of the shell; and it very much undermined the confidence of the people in the leadership of the Bar. In 1902 a very vigorous effort was made to reform these abuses by what was called the Law's Delay Commission, but, although the trial judges stated what the trouble was, nothing was accomplished except to increase the number of judges. In 1909 the City Bar Association started the reform of the procedure. I was one of their original committee. Our original scheme was to make about 50 corrections of the Code of Civil Procedure and Court Rules and about eight or nine corrections of the Code of Criminal Procedure. Nearly all of the Code of Civil Procedure recommendations were enacted as statutes or promulgated as court rules. It was expressed in our report that if this was done, the voters of the State should allow a modern practice act to be adopted with rules to be chiefly drawn by the judges to clean the job up. It is my impression as an ex-member of that committee that we did not think that anything short of some State authority would be able to pass a practice act, one not to exceed 60 sections. Now we have what? A code which is more than three times as long as the code of 1848, which was drafted by David Dudley Field, the best draftsman in the United States, and yet which led to 10 or 15 years of procedural litigation. I tell you, gentlemen, that if you enact a third code and call it a civil practice act, it still is a third code. If you adopt a third code, which is more than three times as

long as the Field Code of 1848, the chances are that there will ensue 10 or 15 years more of procedural litigation. I admit that the drafting has been technically well done by the men who have had it in charge. But they are not any better able to do it than was David Dudley Field. Down to the time that we got into the war those of us who were considered law reformers, but who were not considering a code, had the support of the newspapers and of intelligent public opinion; but I do not know one newspaper in the State that advocates this civil practice act. If there is one, I wish somebody would tell me, and I do not know one lawyer in active practice that is in favor of it. I am told than one of the local Bar Associations, the New York County Bar Association, has debated it and is opposed to the whole thing. I do not see any sign that anybody wants it, and, if they realize what an enormous amount of procedural litigation it is going to create they would be decidedly opposed to it. If the Bar and the representatives of the voters are not willing to take the time to study and adopt an up-to-date practice act, then I say it is better to remain with the code as it is and wait until public opinion will accomplish something that is worth while. If we were going to fight the German army I would not advise that our soldiers use old flintlock muskets, but that we should equip the army with up-to-date repeating and automatic rifles; I would not advise adopting the muzzle-loading rifle with a tape cap attachment such as the Austrian army is reputed to have had in 1866. If this civil practice act is put into effect, you will live to see the experience of 1848 and 1876 to 1881 repeated, whereas if we were to have a modern practice act, and rules adopted by the judges, we would have no procedural trouble whatever. No matter how well drafted a thing is you are likely to find some man on the bench who will go back on the good things that we have gotten into the code in the last eleven years and you are liable to have some of the most substantial reforms lost, because as to many of them the third code, called the Civil Practice Act, is not as explicit as it might be. I do not see that any good is to be gained by calling black white, green, blue or red, and that is what you are doing if you adopt this thing. The only people who want it are a few who have been connected with certain

committees interested very much in putting it through. Again, if you want to undertake a reform, you want a reform that the voters will stand for — not merely a reform that is limited to a number of lawyers whose practice work is all done by their managing clerks and assistants.

Julius J. Frank, of New York:

The Chairman of the Committee on Anachronisms in the law said something about this Association indulging in much talk and little action on this subject. I have been at many meetings of the Association where matters of great importance were discussed, but we did not do much by reason of the lack of time, and it was necessary to adjourn before reaching a conclusion. Now, I have been informed that there are here to-day representatives from local Bar Associations throughout the State armed with resolutions prepared on this subject, and I take the liberty of asking the Chair whether it would not be well to suggest to those gentlemen, as a matter of brevity in parliamentary procedure, that they present their resolutions now as substitutes for the report of the Committee.

The President:

It is nearing the recess hour, and it might be well, if there are any such resolutions prepared, to have them filed at this time, and then we will take our recess. Are there any such resolutions? There appear to be none.

Julius J. Frank, of New York:

I shall take it upon myself, then, to move as a substitute for the recommendation of the Committee that it is the sense of the New York State Bar Association that the so-called Civil Practice Act and the two acts accompanying it be repealed.

Henry A. Forster, of New York:

I will second that motion.

A. T. Clearwater, of Kingston:

I rise to a point of order in respect of Mr. Frank's motion. I ask if he attended the meeting on the 20th of May?

Mr. Frank:

Yes, sir; I did.

Judge Clearwater:

And did you vote for the Practice Act?

Mr. Frank:

I did not, sir.

Judge Clearwater:

Then, Mr. President, my point of order is that the Association having approved of the Practice Act, and the gentleman who has just made this motion having voted against it, he is not in order in making the motion which he has presented. Anyone who voted in favor of the Practice Act at that meeting may vote to reconsider the vote, but not a gentleman who voted against it.

The President:

The Chair rules the point of order well taken.

Mr. Frank:

I was going to take the liberty of directing the attention of the Chair to the difference in the form of my motion as compared with a motion to reconsider the action taken by the Association last May. We have here a new report of the Committee on the Practice Act. I am not moving to reconsider the vote taken in May, but I am moving a substitute for the resolution that is now recommended by this Committee.

Judge Clearwater:

I make the same point of order. The very subtle distinction made by my friend is untenable. A motion to reconsider in any form is a motion to reconsider.

The President:

The Chair rules that the motion recommending the repeal of the Practice Act is equivalent to a motion to reconsider the action which was taken at the special meeting in May last.

We will now take a recess until two o'clock.

AFTERNOON SESSION

Saturday, January 22, 1921

The President:

The report of the Committee on International Arbitration was made the special order for this hour, and, if there is no objection, the regular order will be suspended and we will listen to the report of this Committee, which will be presented by Mr. Everett P. Wheeler.

Everett P. Wheeler, of New York:

Mr. President and Brethren of the Association. In this report we call attention to the fact that it is just 25 years since this Association recommended to our country and the world the establishment of a Court of International Justice. That recommendation was taken up at Washington, it was submitted to the First Conference at the Hague; and we point out that that conference adopted a scheme for an International Court of Arbitration and provided a panel of judges to be appointed by each Nation that was a party to the conference, from which the judges on any particular arbitration could be drawn. It was not in that sense a permanent court. When the second conference met we had again been heard from. Mr. Choate, who was one of the delegates, took up the subject with great ardor and there was a decision to establish a court, a permanent court, but they could not agree on the method of selecting the judges. Each individual nation held or made claim that they were equally entitled to select the judges of the court. Since then we have had a great war, we have had a discussion of the League of Nations, and we have read the speeches that have been delivered during the campaign, by our distinguished President, as well as by many other distinguished men of this country; but whatever differences there were, as we point out in our report, in regard to the League of Nations, I think all sides will agree that there ought to be an International Court. Thereupon a Commission was selected by the Allied Powers to sit and consider a practicable scheme for the establishment of such a court. Of that Commission our former president, Mr. Root, was a member, and he is entitled to the credit, and I think the Bar of this State ought

to claim some of that honor in the person of our distinguished member, that he evolved a scheme which was adopted by the Commission, and has been approved by 22 nations already, providing for the selection of the judges. .

Now, that scheme is this: In the first place, the nominations are to be made by these judges who compose the panel of the present Hague Arbitration Tribunal. Mr. Root himself, Mr. Straus, and other distinguished Americans are members. So we may say that of all the countries that were parties to the Hague Conference, that they have put their best men upon that panel. These nominations recommend to the Council of the League of Nations, which is composed of delegates of the principal powers, with some representatives from the smaller ones, nine in all, and their selection must be approved by the Assembly, which has membership from all of the powers who are parties to the League. In that way this feeling on the part of the smaller nations that they are not to be considered as eliminated, and that they have been taken into account, has been done away with, and they have agreed to the scheme. Now, that scheme has come back to this country for approval, and our Committee were unanimous in their approval of it. Let me say here that Mr. Frederic Coudert, a member of the Committee, was out of town when this report, owing to the requisition of our punctual Secretary had to be printed, and he could not sign it then, but he has written to me approving it cordially.

Having thus seen in this quarter of a century, the court proposed that this Association first suggested twenty-five years ago, adopted by twenty-two nations, and hoping that this country will join with the rest and have its proper representation in that court, that great international court, we submit this resolution:

Resolved, That this Association has seen, with great satisfaction, the action of the Advisory Committee of Jurists appointed by the Council of the League of Nations for the purpose of preparing plans for the Permanent Court of International Justice provided for in Article XIV of the Covenant, and the selection of Mr. Elihu Root

as one of its members. It welcomes heartily the scheme prepared by the committee and respectfully recommends to the President and the Congress of the United States that suitable provision be made to enable the United States to take part in the organization of this Court and to be represented in its membership.

I move the adoption of this resolution.

The motion was seconded, and the resolution duly adopted.

REPORT OF THE COMMITTEE ON INTERNATIONAL ARBITRATION OF THE NEW YORK STATE BAR ASSOCIATION

COURT OF INTERNATIONAL JUSTICE.

To the New York State Bar Association:

Your Committee on International Arbitration respectfully reports as follows:

At the last meeting of the Association, this committee called the attention of the Association to the action it had previously taken in reference to international agreements for the purpose of establishing an international Court, reducing armaments, and preventing, as far as possible, an appeal to war.

Since that time, after long discussion, the Senate of the United States failed to ratify the treaty of peace that had been negotiated between the allied nations, including the United States, and the German Republic. The League of Nations provided for in this treaty was organized at Geneva without the presence of any representatives from the United States. There was a full representation in the Council from the other leading nations of the world and many nations were represented in the Assembly, which also convened at Geneva. Regret at the absence of the United States was expressed by all; and many leading American statesmen, differing as they did on many of the questions which had arisen since the treaty was negotiated, concurred in this regret. A presidential election took place and the country awaits, with great interest, the recommendations of our President-elect in reference to our international relations.

Meanwhile, the Council of the League of Nations held a meeting at London on February 13 for the purpose of preparing plans for the Permanent Court of International Justice provided for in Article XIV of the Covenant. When this committee was appointed, the Council was not unmindful of the action that the United States had taken in reference to the creation of such a Court. The record of the American Republic at the Second Conference at The Hague, to which this committee referred in its last report, was so positive that the Council was assured that, although the treaty had not been ratified, the United States would not refuse to appoint a representative upon the Committee for an International Court.

This Association, be it remembered, had consistently and repeatedly recommended the creation of such a Court. We have the honor of recommending the establishment of such a Court as long ago as April, 1896. Accordingly, it was with great satisfaction that the Association welcomed the appointment of our former president, Elihu Root, as a member of the committee to prepare plans for the Permanent Court.

This committee, upon the invitation of the Government of the Netherlands, held its first meeting at the Peace Palace at The Hague on June 16. Its membership was as follows:

M. Adatci, Minister Plenipotentiary of His Majesty the Emperor of Japan at Brussels,

M. Rafael Altamira, Senator, Professor of the Faculty of Law of the University of Madrid,

Baron Descamps, Belgian Minister of State,

Dr. Hagerup, Former Premier of Norway,

M. de Lapradelle, Professor of the Faculty of Law of the University of Paris,

Dr. Loder, Member of the Supreme Court of the Netherlands,

Lord Phillimore, Member of the Privy Council of His Majesty, the King of England,

M. Ricci-Busatti, Legal Adviser to the Consulta at Rome,

Mr. Elihu Root, Former Secretary of State of the United States of America,

Mr. Clovis Bevilacqua, Professor of the Faculty of Law of Pernambuco and Legal Adviser to the Ministry of Foreign Affairs of Brazil, was not able to be present. South American

jurists were represented by M. Raoul Fernandez, Brazilian member of the Reparation Commission.

This committee continued its deliberations until July 24, 1920, when it held its closing session. It agreed upon a draft scheme for the institution of the Permanent Court of International Justice mentioned in Article XIV of the Covenant of the League of Nations. This scheme met the difficulty which had prevented the earlier formation of a Permanent Court under the Second Hague Convention, namely, the method of appointment of the judges who should compose the Court. This difficulty was the insistence of the smaller nations upon representation in the Court out of proportion to their respective populations. It was obviously impossible to have a permanent Court composed of one judge from every nation which was a party to the League. The Advisory Committee took advantage of the organization created by the League of Nations. This was a Council consisting of nine members, five of which were appointed by the five Great Powers and four members elected by the other Powers. In the Assembly, however, each nation has an equal vote of one. In this the smaller Powers are in the majority.

We cannot better state the method proposed for the organization of the Court than by a quotation from an article by James Brown Scott in the October number (1920) of the *American Journal of International Law*:

"Mr. Root, therefore, proposed that the judges should be selected by the concurrent action of the Council and the Assembly. In this way the interests of the great and the smaller Powers would be safeguarded and each body would have a veto upon the abuse of authority by the other. A failure to agree is to be met by a conference committee to consist of an equal number of members chosen by the Council and Assembly, as is the practice of the Senate and House of Representatives of the United States. The list of judges is to be selected by the members of the Permanent Court of Arbitration, each national group proposing two candidates without regard to nationality. From these persons the Council and Assembly are to elect. The details, the result of much discussion

and the contribution of various members, are stated in Articles 4, 5, 6, 7, 8, 9, 10, 11, 12 of the project.

"The judges are to be 'elected regardless of their nationality,' in the sense that no nationality is of right to be represented in the court. They are to be eligible for appointment to the highest judicial posts of their respective countries or are to be international lawyers of repute (Article 2).

"The judges are, according to Article 3, of two classes: titular judges (in the French text) or judges (in the English text): and deputy judges to take the place of judges of the court in case of temporary vacancy, or in the case of a permanent one until a new election takes place. At present, there are to be eleven judges and four deputies. The number of judges can, however, be increased to fifteen and the deputies to six. That is to say, the Court is to consist in first instance of eleven judges and four deputies, and may, upon the proposal of the Council of the League of Nations, be raised to twenty-one (fifteen judges and six deputies).

"All judges, titular or deputy, are to be elected for a period of nine years and may be re-elected; they remain in office until the vacancy has been filled and finish the cases which they have begun (Article 13)."

Articles XXXI to XXXVI formulate provisions determining the jurisdiction of the Court. It "shall have jurisdiction to hear and determine suits between States." It "can be open of right to the States mentioned in the Annex to the Covenant, and to such others as shall subsequently enter the League of Nations." Other States may have access to it upon conditions determined by the Council.

Article XXXIV is as follows:

"Between States which are Members of the League of Nations, the Court shall have jurisdiction (and this without any special convention giving it jurisdiction) to hear and determine cases of a legal nature concerning:

- (a) The interpretation of a treaty;
- (b) Any question of international law;

- (c) The existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) The nature or extent of reparation to be made for the breach of an international obligation;
- (e) The interpretation of a sentence by the Court.

"The Court shall also take cognizance of all disputes of any kind which may be submitted to it by a general or particular convention between the parties.

"In the event of a dispute as to whether a certain case comes within any of the categories above mentioned, the matter shall be settled by the decision of the Court."

Article XXXV is as follows:

"The Court shall, within the limits of its jurisdiction as defined in Article 34, apply in the order following:

- (1) International conventions, whether general or particular, establishing rules expressly recognized by the contesting States;
- (2) International custom, as evidence of a general practice, which is accepted as law;
- (3) The general principles of law recognized by civilized nations;
- (4) Judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law."

The Assembly of the League of Nations approved the draft project for an International Court of Justice at its session of December 13th, and before the adjournment of the Assembly, twenty-two nations, the number needed to put the Court into effect, signed the project.

There were some changes in the original project, notably that of Article XXXIV, which made the jurisdiction of the Court obligatory in certain matters, and permitted parties in litigation to sue one another, as in an ordinary Court of Justice, without a special agreement in case and counter-case, and all that sort of thing.

This is unfortunate, but nevertheless, there will be a Court, and if the parties to it have confidence in its usefulness, they will negotiate special conventions by virtue whereof they agree to a limited, but obligatory jurisdiction.

This Court has not yet been organized but there seems no doubt that it will be organized during this new year, 1921. It is greatly to be hoped that the United States will take part in this organization and that a jurist from the United States will be one of the judges of the Court.

Your committee therefore submits for adoption the following resolution:

Resolved, That this Association has seen, with great satisfaction, the action of the Advisory Committee of Jurists appointed by the Council of the League of Nations for the purpose of preparing plans for the Permanent Court of International Justice provided for in Article XIV of the Covenant and the selection of Mr. Elihu Root as one of its members. It welcomes heartily the scheme prepared by the committee and respectfully recommends to the President and the Congress of the United States that suitable provision be made to enable the United States to take part in the organization of this Court and to be represented in its membership.

All of which is respectfully submitted.

EVERETT P. WHEELER, *Chairman*.
JEREMIAH KECK,
ADELBERT MOOT,
CHARLES HENRY BUTLER,
Committee.

NEW YORK, Jan. 5, 1921.

The President:

Before we return to the business which was on hand at the hour of adjournment, the Chair would suggest, if there is no objection, that we now hear the report of the Committee to confer with the Court of Appeals and recommend measures for the relief of the congested calendar of that court. I understand the report will be very brief. The Chief Judge of the Court of Appeals who is with us to-day may have a

word to say, and it may serve his convenience if we take the subject up now out of order. If there is no objection, this course will be pursued, and Judge Clearwater may have the floor.

A. T. Clearwater, of Kingston:

Mr. President: I have the honor to present the report of the Committee to confer with the Judges of the Court of Appeals, and to suggest measures for the relief of the congested calendar of that Court, a committee which originally was appointed at the January meeting of 1917, and has been continued from that time.

It is assumed that you are familiar with the reports of the Committee since its original appointment. At that time there were 860 causes on the calendar of the Court. On the first day of January, 1921, there were 306 causes on the calendar.

The report is as follows:

REPORT OF THE COMMITTEE TO CONFER WITH
THE COURT OF APPEALS, AND TO RECOM-
MEND MEASURES FOR THE RELIEF OF THE
CONGESTED CALENDAR OF THAT COURT

To the New York State Bar Association:

It is assumed you are familiar with the reports of this Committee since its appointment in 1917.

On the first of January, 1917, there were 860 cases on the calendar of the Court of Appeals. On the first day of January, 1921, there were 306 cases.

In January, 1917, substantially two years elapsed between the filing of the return in an ordinary non-preferred cause, and its final determination. In January, 1921, a non-preferred cause could be reached approximately six months after the return was filed.

Credit for this is not due to your Committee, but solely to the illustrious and industrious members of the Court, who it truthfully may be said work ceaselessly.

In compliance with the request of the chairman of the Committee, the Honorable Frank H. Hiscock, Chief Judge of the Court, has furnished the following tabulation of its work during the past year:

a. Number of cases entered on the register disposed of in the regular order.....	438
b. Number of cases dismissed on motion.....	21
c. Number of cases on the calendar dismissed under Rule XV	4
d. Number of cases dismissed under Rules I and VI..	5
e. Number of cases dismissed on consent.....	24
f. Number of contested motions.....	257
g. Number of uncontested motions.....	53
h. Number of cases remaining on the calendar of the Court December 31st, 1920.....	283
i. Number of cases pending not on the calendar and filed	23
j. Total cases pending December 31st, 1920.....	306

There were thirty-seven less cases pending on the first day of January, 1921, than on the first day of January, 1920.

Those of you who have followed the decisions of the Court cannot but be aware that the same love of justice, wisdom, learning and conscientious care which heretofore has characterized the action of the Court, has suffered no diminution as a result of this celerity of disposition. On the contrary it seems to your Committee that if there be a change, it is a deepening regard for the momentous consequences which many times follow the decisions of a tribunal of last resort.

When it is considered that the State of New York since January, 1917, has been the theater of events of more far-reaching consequence than any which have happened within the memory of men now living, and that many of the phases and complications of matter involved in those events have been passed upon by the Court, we well may be surprised that there has been so little adverse comment upon its decisions.

So unostentatiously are its duties discharged, so modestly is its work performed, so little of the spectacular and sensational is there in its procedure, that the world scarcely is aware that almost daily its members are at Albany passing upon questions of life, liberty and property in character, diversity and amount nowhere surpassed in the world.

That this is so is due to those attributes of character to which a moment ago we inadequately referred.

We feel that a comparison of its work during the lifetime of this Committee with that of other Courts of Last Resort during an equivalent period, conclusively would demonstrate that in profound and accurate knowledge of the law, and in the careful application of the well settled principles governing the administration of justice, it has been pre-eminent.

At the last annual meeting of the Association the discussion relative to the modification or abrogation of the rule of unanimous affirmance was interrupted by the precipitation into the Association's proceedings of a resolution approving the course of the Assembly in making an inquiry into the qualifications of five persons elected to it, with the result that the question of modification or abrogation was recommitted to this Committee.

We have given to it a careful consideration.

We know that there is a strong and growing demand for the abolition of the rule, a demand not infrequently accompanied with a warmth of expression hardly at all times consistent with the dignity of the subject.

Again we submit the question for your consideration.

The abolition of the rule will not prove an unmitigated beneficence in that it will add to the work of the Court, and doubtless in time will produce that congestion of its calendar which it was the function of this Committee to assist in relieving, and the same result will follow the adoption of the proposed amendment to the Judiciary article of the Constitution providing that when the Court obtains jurisdiction of a cause, it shall have power to consider and determine whether there is evidence supporting or tending to sustain a finding of fact, or the verdict of a jury.

In considering the question your Committee believes that it should direct your attention to the fact that during the last ten years there has been a great advance in the far-reaching consequences of the decisions of a court of last resort, and as the State, particularly the City of New York, rapidly is becoming, if it has not already become the financial center of the world, and its courts the forum in which are discussed and adjudged many of the problems vitally affecting the welfare of the nation and its citizens, it is of supreme

importance that the Court at all times should be in a position fully to examine, carefully to consider and unhurriedly determine the questions presented to it.

That the experiment of two Divisions should not again be tried has been determined; that the membership of the Court should be increased does not to us seem wise.

Precisely what the immediate future has in store cannot be known.

If you decide to recommend a modification or abrogation of the rule of unanimous affirmance, or advocate the ratification of the amendment to the Judiciary Article to which we have referred, we are of the opinion that such action should be accompanied with a proviso that should necessity arise, the Legislature by Legislative enactment should be empowered to restore the rule as to unanimous affirmance.

In view of the probability that the problems arising out of the world war may in the near future largely increase the volume of litigation in the Courts of this State, we regard it as the part of prudence to postpone definite action upon these questions until the next annual meeting of the Association.

The ensuing twelve months will afford at least some indication as to whether there is to be an important increase in the litigation which now is reviewable by the Court. Therefore, we propose the following resolution:

“Resolved, That the Committee be continued or a new one appointed to consider the advisability of modifying the rule of unanimous affirmance, and the proposed enlargement of the power and jurisdiction of the Court of Appeals, and to report its conclusions at the next annual meeting of the Association.”

All of which is respectfully submitted.

A. T. CLEARWATER,
GEORGE L. INGRAHAM,
D. RAYMOND COBB,

For the Committee.

A. T. Clearwater, of Kingston:

You will remember that a few years ago in presenting an important case to the Court of Appeals the atmosphere was

surcharged with the psychological suggestion that it was well to be brief. Those of you who recently have argued cases before that Court have noticed the absence of such a condition. We all are welcome. The Court unhesitatingly extends our time. We no longer have the feeling that we are usurping minutes which better could be bestowed upon the barrister who is to succeed us. The feeling now is one of comfort, one that conduces to a more satisfactory presentation of our case.

I can speak warmly of the work of the Court because, as every one here knows, I am seeking to relieve myself of the practice of the law. Having passed that golden milestone of the Psalmist, three score years and ten, I hope to devote the remaining years of an overcrowded life to the cultivation of that leisure for which I never have had the time.

I am merely paying that just tribute which amply is merited, and expressing the high regard of the Committee of which I am Chairman, for the Court's administration of justice, and its conscientious regard for the rights of litigants.

I move the adoption of the resolution.

The motion was seconded.

The President:

We have the honor of having with us Chief Judge Hiscock, and I am very certain that you will all be glad to hear from him with respect to the pending motion or upon any other subject as to which he cares to address us.

Chief Judge Hiscock:

Mr. President—Governor Miller, Members of the State Bar Association: I should, indeed, be very much embarrassed by some of the flattering words spoken by Judge Clearwater, except for this fact. You know, it is one of the privileges of the Presiding Judge of a Court to assign certain things to his associates. So, for the purpose of protecting my own modesty from embarrassment, I will assign those very complimentary remarks to my associates.

I came here at this time to say a few words when this subject of the Court of Appeals was up, for the purpose in that way of giving some visible evidence of the continuing and

earnest desire of the Court to preserve intimate contact with the members of this Association as the basis for full discussion and consideration of any of the problems that may confront the Court, rather than because I think at this time there is any problem of great importance which requires your attention.

The Chairman of the Committee has referred to the fact that in 1917, when the present organization of the Court took effect, there was an accumulation of something over two years' work. I always take pains, unnecessarily I have no doubt, to say that that accumulation was not in the slightest degree due to any lack of effort or industry on the part of my distinguished predecessors. At the present moment, I suppose there are about 275 appeals undisposed of in the Court because since Judge Clearwater's figures were made up, we have had a motion calendar running through two weeks, and have disposed of a lot of cases. So that it has come about that eliminating from consideration the time that may be taken for intermission by the Court, any ordinary case can be reached in from four to five months. It is possible that under stress we could further expedite the hearing of appeals, but my own experience has led me to believe that independent of any other consideration the average counsel prefers to have an interval of a few weeks between the time when his case reaches the Court and the time that he is called upon to argue it. Of course under the present rules, no counsel need wait for a new calendar, because his appeal can be added as soon as it is desired to the existing calendar.

Notwithstanding the very kindly words of Judge Clearwater, I would not have you think that I believe that reduction in the business of the Court is due solely to the efforts of the Court. There have been times when we thought we were laboring, at rather a strenuous pace, but there are other things which have very materially aided our efforts in getting this calendar down to the point where it now is. One was the action taken in 1917, with the cooperation and approval of this Association, under which permission has been necessary in the ordinary case where there had been a unanimous affirmation, in order to take an appeal. I want to say for the assurance of the members of the Bar in respect to that amendment

that I feel very sure, as a result of an experience of four years, that there is scarcely a possibility of there being cases where there is a real question to debate in which an appeal is not allowed.

We appreciate that it required a good deal of a surrender of natural desires to permit that amendment to be adopted limiting the right to appeal. My own judgment is that independent of any question of keeping up with our work that amendment has been a wise one in the interest of speedy justice and in the elimination of expense to clients, because it results now that on a motion speedily and with little expense, the Court considers the question which otherwise would be presented on the argument of the regular appeal with delay and expense.

I think you understand that the membership of the Court has been reduced from ten to eight. The number of Judges sitting by appointment has been reduced to one. The only Judge sitting by appointment now is Judge Andrews, of Syracuse. And I perhaps would not be entirely ingenuous and frank with this Association, if I did not say that one of the features which has made us not averse to a little slower progress with the calendar of that Court has been that the slower progress has prevented us from automatically throwing out of the Court those men who were sitting by appointment. As you know, the Constitution provides that automatically if the Court gets below the limit of 200 appeals, the Judges assigned to the Court are thrown out. I feel that it is in the interest of the Court and the interest of the Bar that there should be at least one extra member of the Court, because it often happens that as a result of disqualification or of sickness, some Judge is unable to sit, and then it comes about, if you haven't an extra Judge to take his place, that the members of the Bar are compelled to argue their cases without having a full bench. I recognize that that is unsatisfactory. We have had a notable illustration of the desirability of having an extra member in the Court this week. After considerable arrangement between the Court and counsel, and between counsel themselves, in a large number of cases involving all the Housing Laws for New York City, the argument of those cases was finally set down for Wednesday of this week, and

it so happened that one of the regularly elected Judges was sick and unable to take part in the hearing. Therefore, it would have resulted, except for the fact that we had one extra Judge sitting, that either those cases would have gone over to some other time, or else counsel would have been compelled to argue them before six members of the Court. Now, with this membership of the Court, eight members, I assume that in the absence of some controlling circumstance the Court will go on, at least from now until summer on a regular schedule of four weeks of court and three weeks of intermission. Of course, if the present diminution in business is permanent, there will be nothing for us to do except to meet the mandate of the Constitution when we strike our limit of 200 cases, and be reduced to seven members. I have had the feeling all along that probably this was a temporary condition, and that there would be a return to normal conditions soon, and it would very likely be necessary to call upon the Governor to assign other judges.

In conclusion, I want to say that it has added greatly to the satisfaction of our labors that we have had so many evidences of good will on the part of this Association. I may refer to one notable case, the matter of this amendment in 1917, when, without the help of this Association we would not have been able to secure that amendment and would not have tried to. It certainly will not be due to any lack of earnest effort on the part of the Court to preserve it, if there should be any diminution in this good will, which furnishes the only basis that I know of for an efficient cooperation between your Association and the Court of Appeals in the solution of the problems which are confronting us all the time and which, of course, in the last analysis are much more vital to you and to your clients than they are even to the members of the Court.

The President:

The question is on the motion to continue the Committee, with instructions to report at the next meeting of the Association on the question of the advisability of extending the jurisdiction of the Court of Appeals. As many as favor that will

signify it by saying aye; contrary minded, no. The motion is carried.

A. T. Clearwater, of Kingston:

This morning I rose to a point of order in the debate upon the report of the Committee to examine the Civil Practice Act, which the Chair sustained. It has occurred to me during the recess that insisting upon my point of order would prevent that freedom of differential expression with which this meeting is surcharged. The Committee to examine the Practice Act is entirely willing and desirous of having the utmost freedom of expression regarding the Act, whether the members of the Association agree with its conclusion or differ from it, and, on behalf of the Committee, I now say that it invites and requests that freedom of expression, and at the close of the discussion we will formulate such question of parliamentary procedure as we then regard desirable for submission to the Association.

The President:

Then the point of order that you made is withdrawn. So that the question now stands —

Judge Clearwater (Interposing):

No, I do not withdraw my point of order, because the resolution offered by my friend on my right presented something not at all germane. The Association has once approved of this Civil Practice Act. It did that on the 20th of May last. It requested the Governor of the State to sign the act. I regard it as an act of stultification on the part of the Association, having asked the Governor to sign the act, to ask the Legislature to repeal it. The Civil Practice Act is not perfect, it needs amendment. I believe that unlimited discussion here will clarify the situation and clear up misgivings in the minds of members, and may lead them, instead of asking, as they now feel inclined, to have it repealed, simply to ask to have it modified and amended. I believe when they come to know what it actually is, they will find that it is beneficent and not mal-efficient.

The President:

If the chair states the exact situation of the matter before the Association, it may save time. The question before us is, first, upon the resolution of the Committee. Then amendment to that has been moved, recommending to the Legislature the repeal of the Civil Practice Act. A point of order has been raised that that is tantamount to a reconsideration of the action taken by the Association at the special meeting in May last. The chair has ruled that technically the point of order is well taken, that the amendment is equivalent to a motion to reconsider because it is a request that the action taken be precisely reversed. Of course, we have a very large attendance here, and at the special meeting there were not nearly so many present. It has been suggested that there should be now the utmost freedom of debate, at the conclusion of which some method of procedure, which will be parliamentary, be devised which will enable the Association finally to record what it now thinks about the matter. The chair is quite in accord with some method of procedure which will enable the Association to decide to-day and give expression to the present judgment of the Association.

With this statement, the matter is now before you for open discussion.

Julius J. Frank, of New York:

I wish to ask the chair how we can possibly discuss a resolution, the resolution which I offered, except it be brought before the Association. Permit me to ask whether the resolution of the Committee, which recommends the amending of this Act in one very important particular at least, is not an entirely different resolution from the one which we passed at the May meeting, advising the Governor to sign the then contemplated law? The Committee to-day is not unreservedly approving this Act, and is, I submit, in an attitude of inconsistency with the action taken by the Association at the May meeting, because they tell us this is not a perfect Act. They say it doubtless does need amending, and the resolution in effect is that it should be amended. Now, if the Association is not permitted to discuss the matter by reason of the fact that it has been voted upon at the May meeting, how are we

going to discuss it intelligently? It seems to me that if we are to talk about the repeal of this Act without a concrete resolution to that effect before us, we are wasting our time. If the chair adheres to the ruling made, we have nothing to do but discuss these proposed amendments.

James D. Andrews, of New York:

In order to bring the matter before the Association, being one of those who voted for the resolution originally, I move its reconsideration.

The President:

That cuts the knot. Is that motion seconded?

Mr. Foster:

I second that motion.

The President:

The question before us, then, is on the motion recommending to the Legislature the repeal of the Civil Practice Act. Now, that is open for discussion.

Simon Fleischmann, of Buffalo:

I move that the last motion be laid on the table.

The President:

Is that seconded? The chair hears no second to the motion. The question before the house is that the Association recommend the repeal of this Civil Practice Act. Are you ready for the question?

Julius J. Frank, of New York:

May I have a few moments in support of my proposition? No doubt it will be a hopeless task to endeavor to get the Association to change its attitude with reference to this Civil Practice Act. At the special meeting in May, we were prevailed upon, by following the time honored adage, that of two evils, it is best to choose the lesser, to compromise with our convictions. There was not a lawyer in this room — well, I won't put it as strong as that, but certainly there was not a large percentage of the lawyers who voted for the reso-

lution then adopted who believed that the Civil Practice Act was going to advance us materially beyond the difficulties with which we have been contending in this State under the Throop Code; but we were told, to quote the language of the eminent Chairman of the Committee which had the matter in charge, that the forces behind the Walters Act were "in the saddle," and that if we did not take it we would get nothing. I should have liked to see the Association act upon the axiom, which I have heard expressed, of two evils, choose *neither*. Now, if we had taken that position, and, as the largest and most representative body of lawyers in the State, refused our approval and said what we really meant, that this Act was not a real step in advance, and that to take this short step would mean, only, that we would delay the taking of radical steps, such steps as really would be steps in advance, anywhere from ten to twenty-five, perhaps to fifty years, it is barely possible that, instead of having this so-called Civil Practice Act, which, with its two attendant acts, it is a bit of sarcasm to designate a "Practice Act," we would have had a real practice act complete and perfect for the regulation of practice except in its details, which is properly the work of the Courts and not of the Legislature. All that it is wise for the Legislature to do is to lay down certain fundamental principles upon which the Courts shall administer justice, but as to dealing with details, the Courts are the best machinery. While we have been struggling in this morass, our immediate neighbors have adopted real Practice Acts. The Supreme Court of the United States has shown us how the law can be administered under rules framed by the Court without cumbersome statutes. Take, for instance, the provision in the Civil Practice Act about giving notice in the Court of Appeals for leave to appeal. That is to be in the statute, and, in order that that regulation shall ever be changed, it will require a majority of the two Houses of the Legislature and the assent of the Governor. The same practice now prevails by the wisdom of the Judges of the Court of Appeals. Embodied in their rules which can be readily changed if experience teaches that it should be. There is not time to pick out other illustrations, but that one will serve to show the absurdity of a so-called Practice Act which under-

takes to regulate every detail of practice. It is admitted by Senator Walters that there is a great deal of procedural law which is not in the Civil Practice Act, and for which we will have to go to the general statutes of the State. In other words, we will be simply jumping from the frying pan into the fire. I came to the bar before the Code of Civil Procedure was enacted, and I have seen the struggles of courts and lawyers to spell out the meaning of that very plain language, as it was said to be when it was adopted. At that time the bar was not so organized as to effectively oppose that iniquity. But to-day the bar is organized, and if we have fastened upon us another iniquity it will be the fault of us lawyers. The people look to the lawyers for the exercise of judgment and for the assumption of responsibility in matters like this. Now, it is proposed to give us over 2,000 sections of a new Code. It has been said that those of us who are familiar with the present Code will feel quite at home in the Civil Practice Act. But when astute counsel come before the judges who are under the handicap of being bound by this statute, notwithstanding the saving clauses which my friend, the eminent Chairman of this Committee, if I may call him so, thinks it necessary to recommend to save us from its evils. They are going to be very assiduous to urge that the new context of the old phrases taken from the Code of Civil Procedure requires a new interpretation, a new construction, and therefore a new line of practice. If this is really the way out of the wilderness, why should it be necessary to have this caution to the Judges that we are in earnest? We are not in earnest, because we are on record here as having subscribed to one set of principles, and to one theory, and of having recommended something else in defiance of them. I think that if it be passed on to a succeeding generation of lawyers, that even as so eminent a man as Judge Clearwater has to-day said, "Gentlemen, we are in earnest in reference to the interpretation of this statute, it must be liberally construed," nobody will pay any attention to what has so been said. I have not been satisfied since the last meeting, the special meeting in May, because the Civil Practice Act is a makeshift which is taking us nowhere along the road which we all want to follow, and I, therefore, advocate its repeal.

Oliver L. McCaskill, of Ithaca :

I think it would be most unfortunate that those of us who are in favor of some sort of procedural reform shall fall short of accomplishing what we both have in mind by disagreeing upon the method by which that should be accomplished. I am in sympathy with the last speaker in this respect, that I do not believe that the present Civil Practice Act is by any means ideal. After considerable study of it, I think I have been able to find many respects in which it might be materially improved. But, in that study I have also found a great many sections which are a decided improvement upon our present Code of Civil Procedure. In view of the fact that we have a great many sections which are a decided improvement, particularly that very constructive piece of work with reference to the jointure of parties, because of half a dozen or more sections of that kind, if that was all there was of good, are we going to surrender the good that we now have because perchance we do not approve of the thing as a whole because it does not go as far as we would like to have it go? I personally would like to see the experiment tried of going to the extent of full courts' rules in this country, as they have done in England. I have doubt that it would be as successful here as it is in England, however, because they have a centralized court there divided into departments and not many independent courts. Where we have courts divided into departments, upon whom full responsibility can be thrown, you can expect greater liberty on the part of the judges in defining rules and in devising wise rules which will be acceptable. I think perhaps there is a different attitude on the part of the bench and bar in England from what there is in this country upon such problems. Unfortunately, I think we must in this country look at our profession more as a vocation — at least, not to as great an extent as they do over there. If it is possible to get some steps in advance, although we cannot go the full limit, why should we who are in favor of some steps in advance surrender what we already have, simply because we cannot agree that the thing itself is ideal. This is a half step in the direction of the Rodenbeck report. It does considerably enlarge the rule-making power of the Court, but it falls short of extending it to the extent that it has been extended in

England. Can we not experiment to see whether it will work or not? Are we going to close our minds and say that we won't give it a trial?

James D. Andrews, of New York:

The subject which is before us is, in itself, perhaps not very vital, but a clear comprehension of the underlying principles of this Act and of the underlying principles of procedural reform is of vital importance to the State Bar Association—more so than to the Association of any other State in the Union. Over fifty years ago, the Legislature of the State of New York cast away the pole-star of legal procedure as applied in the English speaking world. The measure that we have before us now is not a complete return to that, but it is a step in that direction. The learned editor of the *New Reform Procedure in England*, of 1852 and 1853, Finlason, said that every reform was a restoration. In that particular the Reform Act of 1852 and 1853—and, of course, there have been other reforms since in which the highest court in England has spoken by way of criticism—was a return in a measure to common-law principles, and had underneath it a clear view of the underlying principles of legal procedure as applied in English-speaking countries. That underlying principle resulted from a condition, and that condition was the existence of the jury trial which compelled the formulation of distinct and several issues where several causes of action were joined. The first and vicious step of the original Code of Procedure, which has not yet been reformed, was a step casting aside all ideas of scientific reformation, namely, the undertaking of causing lawyers and courts not to distinguish any longer between things which were essentially different, i. e., the provision that “the difference between causes of action is hereby abolished.” No sooner did that declaration become a part of the statute law of the State of New York than the Courts went to work to restore the distinctions, and they went to the limit of the utmost technicality, the greatest technicality anywhere in the United States. This new Act is not illuminated apparently by one single ray of light upon the more fundamental propositions, but in its details it is, in fact, a reformation. There

is to be no fatal result from a slip or a mistake in reference to the technicalities of the case. It is that, in substance. Why, one would suppose that they were carefully concealing the real thought underlying this proposition, and that they were evading something. Amendment is a remedy. The greatest jurists have told us that statutes amendments, especially the statute amendments and jeofails passed in the reign of Queen Anne, was the greatest reform that was ever introduced into English procedure. [Note—These statutes and the principles involved are collected in Andrews American Law, 2nd Ed., p. 1520.] Its substance was that jeofails slips should not be fatal and could be amended, precisely what we have here.

There is the proposition here of doing away with demurrer, and accomplishing the same thing by order of the court following a motion. Look at the first case in Plowden's reports and you will see what demurrer meant to the lawyers of that time, and what it has always meant to lawyers since that time. The defendant protested that he should not be obliged to answer to the plaintiff's court or case stated, as it advanced no action worthy to be answered, and asked judgment. I have argued a great many demurrers in the practice under the common law, I have argued one only under the practice in New York. We never gave a demurrer a hearing under another name. The purpose of the demurrer is that the judge on the bench and the lawyers at the bar should come to an agreement as to what would be the law of the case. That cost us a little time apparently, but it saved a great deal of time later on, because it advised the Court and the lawyers what would be the rule to be applied in the case. It cost us about fifty cents. We did not dignify it by the name of a trial of an issue of law, which of course it was. I think the expenses in the case argued have ran up to something like \$55 or maybe a little more. Also, under the common law practice, there was the practice of moving to strike out a plea. The reason why I am going to support Judge Clearwater's motion is that this act promises to reduce the evils of the old practice, and, in that way, it deserves the experiment; but there is another reason, that is to say, that we shall find out in two or three years whether or not this new panacea is

going to answer the proposition of the proposed practice act viz.: a short practice act with rules prepared by the person's best qualified to prescribe to practice.

You have been referred to the experience in Connecticut and in Massachusetts and in New Jersey. I happen to have had a little experience in two of those states. For twenty years I practiced in Illinois. Oftentimes that is called a rigid common law state. There is no state where the old rigidity, the old technicality of the common law holds sway. The reason I refer to Illinois is this: A practice act, which was very poor, may take care of the business where the character of business is simple and the volume comparatively small. Illinois furnishes a fairer comparison. The County of New York does not furnish any greater volume of business, nor a greater variety than does the County of Cook in the State of Illinois. The practice act in Illinois, the Chancery Act and the Probate Court Act are simple little practice acts, amounting in all to less than 250 pages. Yet, I have heard the Chief Justice of Illinois say: "We have so little trouble with procedural questions in our courts that I have never seen any necessity for any considerable reform in the procedure." I do not affirm that any practice act will ever become perfect, but desire to emphasize that the fundamental idea of the practice in the State of New York has been wrong, and it must be restored. The suggestion of this Association, its proposal, was on the right line; but we will never get anything practical except by accepting this improvement, and I believe it will be a considerable improvement and striving for more. It will be continually amended, and the Legislature will have no further reason for drawing a line against the suggestions of the bar, as it has done in this case, and I think tinged somewhat with a little prejudice.

William H. MacLean, of Rochester:

Mr. President and Gentlemen of the Bar—I am rather young in the practice, and those of you that do not know me now probably will know of my youth before I am through talking. I was sent here, however, by the Bar Association of Monroe County to present the views of our Association to this assemblage.

A short time ago in one of the largest meetings we have ever had a great many of the members debated a resolution condemning this Civil Practice Act, and it was condemned by a unanimous vote — save one. That means that over 99 per cent of the bar of Monroe County is opposed to this Civil Practice Act. Not because it is a Civil Practice Act, and not because we do not hope and pray for reform, but because we do not want to call a dandelion a rose and think we can make the public believe it. My Association is strongly for a repeal of the Civil Practice Act, and, appearing for my associates in Monroe County, I am for its repeal and in favor of the Code of Civil Procedure.

You know, in a time like this, when men are all wrought up over things it is easy to misguide them, it is easy to sway their judgment, because men who, under ordinary circumstances are always cool and reserved, will jump at conclusions and hastily decide upon changes. Gentlemen, it is not a change that we want. We need reform. And if this meeting, or if this Association and the bar of New York State, with the help and the assistance of our legislators, cannot give us a reform, let us stop practicing law.

We have in the Civil Practice Act that is presented here for deliberation to-day 1,540 sections, we have 496 sections in the Surrogate's Practice Act. We have two hundred and odd sections in Justices' Court Practice Act, and we have three hundred court rules that none of us ever heard of until the Civil Practice Act became a whim. The difference between the number of sections in the Civil Code as it existed on the 1st of January, 1920, and the Civil Practice Act, and all those cute little acts that go along with it, is 22 sections. I am speaking of the Code of Civil Procedure as it existed on the 1st of January, 1920, and I dare say, in the meantime there have been 50 to 100 sections taken from it and hidden away. I believe that if I were to say that there are from 50 to 75 more sections in the Civil Practice Act and its kindred than there are in the Code of Civil Procedure, I would be right. I do not know such to be true. I am guessing at it.

Most every man that is practicing law for a living has in his soul a desire to accomplish as much as he can in the

few hours for labor that the Almighty has given him. We cannot do that if we are going to have sections of the Civil Code renumbered placed under three or four titles instead of under one, and certain things pertaining to procedure placed in the General Statutes of the States—God only knows where—and have our ideal come true. If any man can tell me where there are improvements in the Civil Practice Act that cannot be accomplished by a dozen amendments to the Code of Civil Procedure, I would like to hear him talk.

In our profession, as in everything else, there are a great many men who are nothing more nor less than theorists. I am not a theorist, neither am I much of a student, but I have read the Civil Practice Act and I have read it several times. I have compared it with the Code of Civil Procedure, and I cannot find a single section in the Civil Practice Act that alters anything that cannot be changed by very slight amendments to the Code. By making such amendments we will retain the section numbers, we will retain all of the laws of procedure, all in one volume. Of course publishers will bind it that way anyhow.

The gentleman from Ithaca, Mr. McCaskill, I believe, gave us a splendid talk on the Code. I am not here to condemn any man or to condemn any theory, but I do believe that the men to reform practice are those men that are practicing law for a living and for the welfare of their clients. I do not believe that professors in law schools that have had no practical experience, who have had no practice, should be so decidedly against something that they don't use to earn a living with, and that they don't use to serve the general public. I don't believe in any man condemning or criticising anything unless he can offer a substantial improvement for that which he is condemning or criticising. The Civil Practice Act does not afford that improvement. I believe that to-day, as our practice stands, it needs two things:

First. A dozen sections, amended to include the good suggestions of the Civil Practice Act.

Second. A real index. It needs such an index.

When I left home, gentlemen, to come to New York, I was heart and soul against the Civil Practice Act, but when I

heard the Hon. J. Henry Walters speak this morning I was convinced, as never before, and now I am satisfied that the Civil Practice Act has accomplished nothing except a re-numbering of the sections of the Code. The only reform that the Honorable gentleman suggested that would be a help to any lawyer or to any litigant, was placing in the Civil Practice Act and in the acts that go along with it an index. An index! Why, gentlemen, we have had thousands of dollars spent on this work, just to have a man come here and tell us that what we should have is an index of the Code of Civil Procedure! That is all there is to it, gentlemen, and when this question that is before the house finally comes to us for our suffrage, if I may call it that, let us remember that we are approaching a grave situation; that we are not dealing with our own welfare, exclusively, but that of millions of people, clients, whom the men here represent, and that we are casting aside certain rules of pleading that have been judicially defined, are known to and understood by all at the same time taking in place thereof something new, something unknown, and, if perchance the Civil Practice Act may some day come into actual being, asking the Court to place upon the sections of that Act a new interpretation because of very slight changes in text.

I hope that it will be the sense of this assemblage that what we want is not a renumbering of sections, but reform. I pray that when I get back to my own Association, if the news has not reached them before that, that they will realize that this assemblage was not to be deceived, that the mere renumbering of sections of Code meant nothing, that we were not to be swept off our feet by something that seems popular; something that was initiated merely because a few men shouted for it, and that in the end we will have a real honest to God reform.

Abraham Benedict, of New York:

May I ask the gentleman a question? Is not Rochester in favor of a short practice act, or is it merely opposed to the repeal —

Mr. MacLean:

I stated we were in favor of a reform in practice.

Mr. Benedict:

I know that, but will you answer my inquiry?

Mr. MacLean:

No such question came before our Association.

Mr. Benedict:

Are you in favor of the short practice act that was favored by Judge Rodenbeck?

Mr. MacLean:

Yes, sir.

John Knight, of Arcade:

I rise with some diffidence to say anything upon this subject, but I happen to be a member of the Senate, and I also happen to have been a member of the Joint Legislative Committee upon the recodification of the Code of Civil Procedure since 1915, and I am to-day the only surviving member of that original Committee. I am lead to say something now by reason of the statement of the last speaker that this Civil Practice Act has been thrown at the people of the State. Now, that statement is not supported by the facts. This matter has been under discussion every year since 1915. This Committee has gone throughout the length and breadth of the State and has presented proposals to every Association within the State, and this bill was submitted for the consideration of the people of the State, not in 1921, but in 1919, in the same practical form that it appears to-day. So, when the statement is made by anyone of your members that it has been thrown at you, why, I maintain that the statement is not justified by the facts.

Now, it seems to me that this matter has had the fairest sort of consideration by this Association, and as was stated by Judge Clearwater a few moments ago, it seems to me that the repudiation of the action heretofore taken by this Association would be a stultification of our record. It was upon the action of this body that the Governor of the State signed these measures. He was influenced to do it by the action taken by this body.

I favor the extension of the time when this act shall take effect for reasons which have been heretofore stated. There has been delay in printing the statute itself, and in printing the rules proposed by the Committees, and it is quite likely that there will be important amendments to be proposed to this recodification, and there should be time for your consideration of the measure itself. It seems to me, on the other hand, that the delay should not be had beyond September or October, for the very reason that we do not want to come back another year with the situation such as is now created.

I do not know that there is anything else that I can say, except to call attention to the action of the Bar Associations represented by the speaker who just preceded me. There was only one vote in Monroe County against this. If my recollection serves me right, this same recodification was considered by that Association at different times, and I think at one time it even adopted a resolution approving of it, and later, by a very close vote, it changed its action, and to-day it comes in here with a still further change. I think the Code of Civil Procedure needs substantial change. The attempt has been made to give that to the people in this way, and I, for one, believe that when those who assert their opposition to-day shall have examined this Civil Practice Act, they will support the action that I believe will be taken by this Association at this time.

Arthur E. Sutherland, of Rochester :

This discussion is a very wholesome one. I am not going to make any suggestion about abbreviating it. The precise question before us, as I understand it, is the motion to reconsider the previous action of this body endorsing the Civil Practice Act.

I wish to invite the attention of the Association at the proper time to an amendment which I will offer to Judge Clearwater's resolution. His resolution recommends that the date for this Act taking effect be postponed to October 1st. I wish to offer an amendment fixing the date as of April 15, 1922. I am not trying to sidestep this matter at all, but I am trying to give the lawyers of the State of New York, among whom there is a very earnest and widespread opposition to this Act,

an opportunity to arrive at mature judgment upon it, after careful investigation, and I do not think that opportunity has, as yet, been presented. This Act was only printed on December 1, 1920. We are seeing manifested here an interest, a quality of interest, by the lawyers at large which has not been exhibited up to the present time, and I think this is a very wholesome indication. Now, I think, if we could have time to have the bar of the State express its mature judgment on this question, not acting on impressions or hasty conclusions, but acting after mature judgment on the subject, that then we should be in a position to express an opinion that would be of great value to the Legislature and to the people of the State. I feel that if this Association this afternoon takes action scrapping this whole thing it will be a mistake, but I do believe that very serious and considerable amendment is needed to the Civil Practice Act before it shall go into effect, and it would be a calamity to have it go into effect this year, and then start in, in the year 1922, amending it so largely that the whole thing would have to be printed over again and relearned. These very rules that the Convention passed treat the same subjects and the same matters of practice that are treated in the Civil Practice Act, and you have got two sets of commandments relating to the same things exactly. Now, that is all wrong. Put them in one place or the other, but do not compel us to look in both directions to find out, for instance, whether we have got to serve answering affidavits in advance to a motion in Special Term. Indeed, if you look at the rules on that subject, adopted by the Convention, and at the section in the Civil Practice Act you will find that they do not agree, and I would like to have some one who helped to formulate this thing, tell us, as a matter of very useful information, when and under what circumstances we must serve answering affidavits, when we receive motion papers for Special Term. A great deal of the criticism from upstate is well taken. We will have a pretty general amendment to this Civil Practice Act if it ever becomes settled law, and my suggestion is that instead of throwing this thing on the scrap pile, we take another year and give it our earnest consideration. At the proper time I want to offer this amendment to Judge Clearwater's motion. I don't know whether it

is in order now or not, but I leave it with the Secretary to substitute April 15, 1922, for October 1, 1921, as the date for the Act to take effect.

Ansley Wilcox, of Buffalo:

Mr. President and Gentlemen — I am heartily in favor of the substitute offered by Judge Sutherland, but I venture to make a slight modification of it. If he makes that motion, then I ask the privilege of seconding. It occurs to me that the time should be postponed beyond the date suggested by him in order to give the bar at large a thorough opportunity to study and digest the details of it. The date named by Judge Sutherland is in the middle or about the end of the session of the Legislature, a time when new Legislation is not usually undertaken. I think a far better date would be next year at about the time that Judge Clearwater suggested for this year.

Judge Sutherland:

I shall be glad to accept that amendment to my motion.

Mr. Wilcox:

That will be September, 1922, before the Courts get into operation, and would be an ideal date.

The President:

Judge Sutherland accepts the amendment, therefore the amendment is that the date of September 1, 1922, be substituted for the date in the report of the Committee. Are you ready for the question?

Louis Dean Speir, of New York:

I want to record very briefly my reasons for favoring the repeal of this Act. The first reason is its size. It has been printed, I think, by private enterprise in the book which I hold in my hand, which is called, "The Civil Practice Manual," which has this Civil Practice Act in it, and the accompanying acts and the new rules. I exhibit it to you so that you may see the size of it. This is what is offered as simplification of the Code of Civil Procedure. My second reason is this: This which is offered as a simplification of the Code of Civil

Procedure, would, in practice, as I submit, work out as an additional act. Suppose this passes and goes into effect. You will find that the language of a particular section varies from the language of a corresponding section in the Code of Civil Procedure. The practitioner or the Court in ascertaining what is the meaning of the new Act will be compelled in effect to look back at the corresponding section of the Code of Civil Procedure at all the multitudinous decisions of the Courts as to what that language means, and then decide whether this new section affects any change in it or not. I submit that this will be an additional complication rather than a simplification; and as both of the speakers have said that the reforms worked by this can as well be worked by an amendment to our existing Code, leaving to the future the working out of something that is far better than either; I think this should be repealed.

J. Noble Hayes, of New York:

I think that one thing has been demonstrated by the able report of the Joint Committee, and that is that the body of statutory law, which to the understanding of lawyers relates to procedure and practice, cannot be dispensed with. It is a great body of law that has grown up and which we need to apply to the affairs of our complicated civilization. I do not believe that we can simplify the practice by rearranging the order of the sections or the chapters. We have split up this Code into what is practically a so-called Civil Practice Code, a Surrogate's Code, a Justice's Court Code, a New York City Court Code, a Court of Claims Code, a Set of Rules, and several other divisions, without reducing the number of sections in any degree. The scheme seems to have been simplification by the bookbinder, and not by any substantial change in the procedure itself.

I am a reformer, and I agree with the speaker who cried out loudly for reform. But what we want is a real reform. What a client about to engage in litigation wants to know is, first, how long it will take; next, how much will it cost. These important questions no honest lawyer can answer under present condition with any degree of certainty. The real trouble, I think, as I have observed in my experience of over 40 years

in practicing law in this city, is that the *machinery* of the law is insufficient and defective. We want to strengthen the legal machine, rather than rearrange the sections of our Code. The Laws Delay Commission spent two years in a very careful examination of this matter. That Commission was composed of very able lawyers and they made a report, and the recommendations of that Commission in 1904 and 1905 were approved by the Chamber of Commerce (which was chiefly instrumental in bringing the Commission into existence), by the Merchant's Association of New York, and by the Judiciary Committee of the Association of the Bar of New York City, of which Judge Dillon was the Chairman at the time. The essential features of the reforms there proposed were copied from the English practice. They came to realize in England that a great deal of the time of the Judges was taken up in preliminary matters; and they created a body of Court officials whom they called masters, but who might as well be defined as official referees (although there is a distinction between masters and referees in the English practice) to do this preparatory work. When a suit is brought, a "Summons for Direction" is issued requiring the attorneys to go before one of these masters and apply for all the preliminary relief they require, such as, settlement of pleadings, depositions, bills of particulars, inspection of documents, etc. Before the case is put on the calendar of the English Court all those preliminaries have to be settled before such a master, so that the issues are ripe and thoroughly prepared for trial when the case comes up on the calendar. It has been found that this system expedites the administration of Justice in England to a degree, that when it was first called to the attention of our bar in 1904, was regarded with incredulity. It showed that 21 or 22 judges in England disposed of twice as much business as 43 judges in New York, and in Kings County. Now, that was not the fault of our judges, but it was the superiority of the English system; it was because they had this machinery. That scheme has been approved by everybody; approved by the judges and by all of the Bar Associations, as well as by the last Constitutional Convention as I remember. And the Association of the Bar has made its recommendations to the Joint Committee and to other Legis-

lature Committees for numerous years, to incorporate this thoroughly tested system in our practice, but they have thus far been utterly ignored. Another very great reform that you would accomplish had this plan been adopted, is this: That these masters were paid by the particular county in which they sat, so that justice could be administered without the appointment of referees *at the cost of the parties*, which practice has been universally condemned as a drag-down on our courts. It dispenses with that obnoxious system of patronage, which it was said by practically all the judges who were examined by the Laws Delay Commission of 1904, would be a great relief to them. Only one judge testified that he would like to keep the patronage for the kindly reason, as stated by him, that it enabled him to befriend an old soldier now and then who had no business, or a young lawyer just starting in practice. Let us insist that the Legislature consider the incorporation into our practice of this system of official masters; which if adopted, with its related measures, will relieve much of the delay incident to this necessary preliminary business, and greatly expedite and simplify the business of the Courts and dispense with the costly and dilatory system of compulsory references at the expense of the parties or one of them. We shall then have something that amounts to a reform. Notwithstanding all the endorsements that it has had from the judges and others, for some reason, it has been impossible to get this legislation. It has also been found impossible to get through a bill that this Association has recommended for years providing for the printing of annual judicial statistics by the State. The judicial statistics in England are published every year, and if we had our judicial statistics published we should know every year right where to put our finger on the failure of the judicial system to work; and we could suggest reforms then that would be based upon knowledge, and not surmise. I think there are some things in these new rules, and some of the work of the Committee of Judges that might well be preserved. I am inclined to think that this scheme for declaratory judgment should be very carefully considered, as it might be of great use in settling disputes that otherwise would be protracted. I think nothing has been gained by taking out of the Code

sections which would have to be placed elsewhere in the statutes, or re-enacted into rules. When all the statutes relating to practice were collected from the Revised Statutes and assembled in one Code, when I came to the bar in 1880, it was a great relief to everybody. This work it is now proposed to undo by scattering them through different Codes and the revised laws. This is a question of convenience rather than of logical arrangement of the law, so far as the practicing lawyer is concerned; and if he has everything in one volume relating to practice, it is a great convenience. Now, if I may be allowed to make a suggestion, it is that we send back — and I suppose that this body has the same power that the Legislature has, if it passes a resolution or a law one year, that there is no reason why it cannot repeal it the next year — and I suggest that we disapprove of this act, and send it back to this able Commission, who, after all these years, cannot abridge the Code any more than they have, with the request or direction that they take into consideration these measures; and particularly the measure for introducing into our practice the master or official referee system, so that we can adapt it to our own needs, and the English procedure which has resulted in such celerity over there.

Frederick W. Clifford, of Owego:

Mr. President and Gentlemen of the Association — I am here as a representative of Tioga County Bar Association. Shortly after the 1st of December, 1920, when the printed report of this so-called Civil Practice Act came into our hands a suggestion was made by a member of the Bar that a meeting be called for the purpose of considering and discussing it. That was done, and the meeting was attended by every lawyer in Tioga County who was a member of the Association, and every lawyer in the County is a member of that Association excepting one. Then we started in to discuss this matter. We started to discuss it about half-past seven o'clock in the evening. A resolution was offered before we had been discussing it very long, condemning the New Civil Practice Act, and asking that the Code of Civil Procedure be re-enacted. Now, I will give you the reasons why that resolution was proposed. The reasons that were discussed were the same

that were given here by the gentleman who spoke in favor of the repeal of this Act. That discussion continued until nearly eleven o'clock, and then a majority of the members present were in favor of voting upon it at that hour, but there was some opposition, some one said we should not act hastily and it was suggested that the meeting be adjourned for two weeks, with the understanding that every attorney present would take this new Code and study it, see what there was in it, and compare it with the Code of Civil Procedure, and then when we met again, we would act upon it. That meeting was held, and I believe that the lawyers of Tioga County did study the new Civil Practice Act—and I believe that for this reason, among others, that at the next meeting a suggestion was made that a Committee be appointed to examine the Act and vote at the next meeting, and some one suggested that wasn't a good idea, because if that was done, the Committee would study the Act and the Association, when they came together again, would simply probably follow the Committee, and the lawyers as a body wouldn't study it, and wouldn't know anything more about it than they did before. When that suggestion was made every attorney agreed to the proposition and no committee was appointed. There were present at the first meeting three of the Justices of the Supreme Court. When we held the second meeting we had another Justice of the Supreme Court with us. It was discussed carefully. And the discussion showed that members of the bar of Tioga County had been studying this thing and they knew what they were talking about. A resolution was offered condemning the new Civil Practice Act, and asking for its repeal, and that the Code of Civil Procedure be re-enacted, and asking our assemblyman and Senator from our district to use their best endeavors to see that our wishes were carried into effect. That resolution was adopted, every man present voting in favor of it. Now, I am here to express by my vote the unanimous wish of the bar of Tioga County. I have only one vote, but when I vote that once, as I am going to do in favor of repealing this new Civil Practice Act, I want you to understand that I voice the sentiment of all of the practicing lawyers of Tioga County.

Abraham L. Kellogg, of Oneonta :

I do not rise to discuss the merits of the Civil Practice Act, but I have been requested by several Bar Associations in the Sixth Judicial District to report their action after careful and deliberate consideration of the new Practice Act. It is begging the question to say that in those counties there are not distinguished and eminent lawyers, and it is not a fact to say that they have not studied this proposition. The counties of Broome, Tioga, Chemung, Madison, Otsego and Delaware, expressed by every lawyer save two their unanimous conviction that this new Civil Practice Act should be repealed.

David F. Lee, of Norwich :

I am from Chenango County. Our Bar had a meeting on the 11th of January, after we had asked each and every member of our Association to look into this new act by studying it, and endeavor to get the consensus of opinion of everybody about it, and at that meeting we were all unanimously in favor of the repeal of the act. Suppose this new Civil Practice Act is put into effect, what is going to happen. You have nearly as many sections as you had before, and you are going to have confusion added to confusion. We are not afraid to work upstate; perhaps we haven't the wisdom that you have in some cases in the State, but we are willing to be instructed. If this act is a proper thing we have failed to see it.

A Member :

I rise to say that the members of the bar in Cayuga County voted unanimously to disapprove of this act.

A Member :

The Madison County Bar Association instructed me to come here and voice its opinion, and gives its vote against this act. Now, in view of the suggestion made by an eminent gentleman here that we should not act hastily, I will support Judge Sutherland's amendment that the Act do not go into effect until September, 1922.

Mr. Bennett :

The Nassau County Bar Association has voted unanimously disapproving of this Civil Practice Act, and instructed me to vote against its approval.

A Member :

As Chairman of the delegation from the Chemung County Bar Association, I desire to state that our Association passed a resolution last week, unanimously expressing its judgment that this Civil Practice Act should be repealed.

A Member :

The Bar Association of the County of Broome also passed a similar resolution in favor of the repeal of this Act.

A Member :

I want to say, as a representative of Rockland County Bar Association, that a resolution was passed by our Association on the 10th of January advocating the repeal of this Act.

The President :

I see that we have with us Judge Putnam, who was a member of the convention which framed the rules, and I think, perhaps the Association would be glad to hear from him.

Harrington Putnam, of Brooklyn :

Mr. President and Members of the Association — At this late hour, I would not attempt to divert your minds into the particulars in respect of these rules, but I would like to make at least one correction. We were expected to bring about something that would be condensed and concise. Several gentlemen here have spoken in terms of regret, if not reproach, for our producing 300 rules. The fact of the matter is that our last rule is No. 300. However, between each title are left blank numbers, according to the custom of the Board of Statutory Consolidation, so that the actual number of rules of which the convention may be regarded as guilty is 234. The Joint Legislative Committee, which had prepared an outline of these rules, by taking the general practice rules that are now in force, and such parts of the Code of Civil Procedure that should go under the form of rules, recommended 216. The old rules of the Court of Chancery, in 1834, as I find, amounted to 183 rules. Some particular chancery rules were very much longer than ours. The volume of chancery rules in 1844, the last ones that I have seen, had 203 rules. If

the matter is compared, the mass or volume of our court rules will not be found so much in excess.

I however, wish to point out a peculiarity in the formulation of these Civil Practice rules. The convention that had been contemplated by the Act provided for 31 members, but on account of the resignation of Mr. Milburn and of Mr. Moot from the Board of Statutory Consolidation, there was only one member left, and that was Professor Collin, and he was taken on, which made a convention of 30 members. You will see that in that convention the Judges were in the minority, that is, there were 13 judges and 17 members of the Bar, including the Attorney General. When the Committee on the Drafting of Practice Rules was formed, appointed by Mr. Justice Page, the Chairman, it consisted of nine members. Five of those were members of the bar and four were judges. Judge Page, himself, however, was *ex officio* a member, and indeed most active in the Committee. That made the membership equal as between the court and the bar. Therefore, the rules thus prepared are not to be regarded as entirely judge-made, but should be accepted and given the added weight as the joint production of the members of the bar, appointed by the Governor, also the Attorney General, and those members of the bar that were also included by membership on the Board of Statutory Consolidation, and as members of the Joint Legislative Committee.

As has already been stated by Judge Clearwater, the convention last met on the 20th and 21st days of September. At the final presentation of those rules there were but a few amendments, mostly verbal, so that with such changes they were adopted without dissent. I believe that such provision for all branches of our profession thus to meet and compare views of procedure from different angles, tended to broaden and eventually to simplify the Committee's work. So far as I am aware, this is the first instance of rules for our State Courts being thus originated. Of old the Chancellor drew up the multitudinous rules for his court, no doubt aided by the Vice-Chancellor and his masters. Of late years, under the present Code, the general rules of practice have been the product of the justices of the Appellate Division, acting, of

course, upon hints and recommendations from the trial justices and from the bar.

Our system of practice in New York has over-emphasized defensive procedure. An illustration is the old-fashioned demurrer, raising an issue of law to stand over for a term for such issues. Those were the days when delight in the intricacies of special pleading still lingered. There is a story of Baron Parke who once made up a special demurrer so exquisitely drawn, that he sent it to cheer a brother judge during his illness. And yet Baron Parke is remembered as a zealous laborer for the removal of all useless formalities in legal proceedings. One of the principal Amendment Acts in the reign of William IV was his work.

Much of that reproach of obstruction was removed when demurrers could be here met and disposed of by motion under C. C. P., § 547. How demurrers are now regarded may be seen from a quotation from the *London Spectator* of December 18, 1920, where it refers to the wide field of subjects that are brought by colonial appeals to the Judicial Committee of the Privy Council: "The codes and customs they administer are as numerous and as dissimilar as the races that demand their justice. The customs of any village community, or the doctrines of the Koran may be within their purview in one suit; in the next, they may be considering judicially the Roman Law, which South Africa inherited from the Dutch. The customary law of ancient France, though discarded in the land which gave it birth, must still be applied by them to Canada, and the Mauritius; while from the colonies of the Southern Hemisphere may come cases that call for a knowledge of demurrers, and of those intricate forms of special pleading, that have ceased to be living law in England." I sincerely hope that the State of New York will be no longer classed in procedure with obscure British colonies of the Southern Hemisphere.

So a land where demurrers still exist is looked at as in a neolithic state of legal culture! In England, demurrers were dropped in 1883. Even in New Jersey, that citadel of common law pleading, demurrers were abolished by § 40 of their Practice Act. To bring us abreast of advanced practice

we must therefore get rid of demurrers and all such outworn devices to hamper swift and certain justice.

Our proposed rules, however, are strictly drawn to follow the provisions of the new Civil Practice Act. That statute may be compared to the laying out of a new trunk line railway, often diverging from the older route in the interest of directness, but still following its main course; while these court rules have merely the lower office of grading and leveling the way for more easy and accelerated procedure.

The public and the legislature have long shown a purpose to obtain condensed and abbreviated practice regulations. The Act creating the Board of Statutory Consolidation (L., 1901, chap. 664) provided:

Section 2. "The statutes shall not be changed in substance except that as to matters of procedure such board shall report for enactment such amendments as it may deem proper and necessary to *condense* and *simplify* the existing practice, and shall adapt the procedure to existing conditions."

The effort to condense cannot, however, be permitted to extend to the degree of changing language whose sense and importance have been judicially fixed. Some correspondents have criticised the C. P. A. by showing how many words might be saved in rewriting. But often the seeming gain in brevity thus obtained would prove a doubtful advantage, if it started new points in interpretation.

In a hasty sketch and comment on these rules, I will allude to the beginning of an action—the summons, its service, the power to correct defects at trial, the judgment, appeals, and some incidental details.

For more than fifty years the statutory form of summons has notified a defendant "to serve a copy of his answer on the plaintiff's attorney within twenty days after service of the summons," etc. Such a mandate is unmeaning, if no complaint is served therewith, or can be found on file. Our new Rule 45 meets this by inserting after word "answer," this new clause: "or if the complaint is not served with the summons to serve a notice of appearance on the plaintiff's attorney." Under the present Code, § 471, a summons in the Supreme Court is required to state the county in which plain-

tiff "*desires* the trial." But a complaint in the Supreme Court states in its caption the county which plaintiff "*designates* as the place of trial" (§ 481). The C. P. A. (§ 255) and Rule 45 employ the word "designate" for both summons and complaint. The Bar will also be glad to know that no more can papers be returned because "not folioed." (Rule 10.) Printed records on appeal, however, are required to have marginal folios as before.

But these points are trivialities. However, the publication of the summons is fundamental. According to the Field Code, such publication was deemed complete for the purpose of computing the time when defendant should appear "at the expiration of the time prescribed in the order for publication." (Code Proc., § 137.) But by Mr. Throop's Code, § 441, the wording was changed so as to state that "service by publication is complete upon the day of the last publication pursuant to the order." This was no doubt intended to afford the defendant thus proceeded against a definite means to know when his time to appear begins to run. The specified period of publication is to be "not less than once a week for six successive weeks."

Our 51st Rule undertakes to remove any possible doubt upon such a vital point of jurisdiction by the new statement after the "day of last publication," "which must be not less than 42 days from the day of first publication." This will ordinarily require *seven* insertions instead of *six*. As long ago as 1828, the court held that publication for 42 days could alone satisfy a statute requiring six weeks' publication. (Anonymous, 1 Wend., 90.)

Better still, perhaps, would be a rule requiring that the notice accompanying the summons, when served without the state, should state the precise date when the party served had to appear.

In regard to the trial, we may note the broad terms of Rule 166 — which grants to the trial judge power then and there to permit amendments to pleadings, even if the same fail to state a cause of action or counterclaim. In granting any amendment the judge may adjourn the trial or direct a new trial and impose terms and conditions in his

discretion. After a trial has proceeded to the point when motions for a nonsuit have disclosed the defects, in how much better position is the judge presiding at the trial to fix conditions for amendment than would be another judge at Special Term, who would derive his information from affidavits, not to speak of the additional labor, and delay resulting from such a distinct motion.

In Rule 172 the persons now declared ineligible as referee, are clerk, confidential clerk, private secretary, or stenographer to any justice, or judge, of a court of record, in any department, where such judge is discharging the duties of his office.

Referring to the title of Judgments, our Rule 185 attempts to check recitals of the provisions of the verdict, decision or report which authorizes it; also prohibits setting out the pleadings or other papers in its recitals.

A novel title under judgments is No. 25, Declaratory Judgment. Until 1915, this new system was not in general use in this country. In that year a qualified power to render declaratory judgments was enacted in the statutes of Connecticut and New Jersey. However, it does not appear that this imported remedy has as yet come into general practice.

Section 473, of the New York Civil Practice Act, provides that:

“The Supreme Court shall have power in any action or proceeding to declare rights and other legal relations on request for such declaration, whether or not further relief is or could be claimed, and such declaration shall have the force of a final judgment.”

The characteristic of the declaratory judgment, unlike the ordinary executory judgment, is that it is without coercive decree, or any order commanding the defendant or the sheriff to do anything. It merely declares existing rights and duties. Its purpose is to afford security and relief against uncertainty and doubt. Culpable conduct on the part of the defendant is not supposed. It enables any person whose rights, privileges, powers or immunities have been disputed, endangered,

threatened or placed in uncertainty by another person to have the aid of a court to obtain a determination or declaration of his rights or other legal relations.

An amicable remedy by mere declaration of rights may be as effective as the non-amicable recourse to the executory action for damages, or injunction. Such coercion will generally not be called into operation, where the right or duty is judicially declared. A highly organized society does not need to use its power in order to insure obedience for its decrees. The latent power of enforcement, universally realized, makes its exercise generally unnecessary. Should a party declared to be in the wrong prove recalcitrant, however, a suit may follow in which an execution would issue upon the declaratory judgment as *res adjudicata*.

The new remedy may play an important part in simplifying the adjudication of disputes. For example, assuming that the parties to a contract be honest, it will no longer be necessary to break the contract, incur damages and engage in a hostile law suit, in order to have a court determine which is the right, between two conflicting interpretations of its meaning.

However, the benefits of declaratory judgment this year received a set-back by the Supreme Court of Michigan in *Anway v. Grand Rapids Railway Company*. The plaintiff there was an employee of the railroad. His complaint declared the peculiar and unnatural grievance that he wished to work more than six days in seven consecutive days. There was set up no contract, nor claim of any breach of contract, nor any present or prospective damages. The Supreme Court of Michigan held against the declaratory judgment act of Michigan of 1919, on the ground that this suit presented no actual controversy; and further that the judicial power did not extend to advising the work of three millions of people which would call on the court to perform duties not prescribed by the constitution.

This seems to show that the courts must not be asked at first to settle questions that have not a direct practical interest.

To meet such awkward situations, our rule 212, has left full discretionary power to decline to pronounce a declaratory

judgment if the court considers that the parties may have relief by the existing forms of action, or for other reasons.

Rule 213, also provides for sending issues to a jury if necessary to settle any questions of fact arising in these proceedings. Otherwise, the proceedings, costs, and the regulation of appeals follow as in ordinary actions.

The infrequent method of directing that exceptions on a trial be heard in the first instance by the Appellate Division, naturally must reserve a power of modification in the meantime. For here is a case of a recovery by a verdict or direction, but as yet no judgment and perhaps no security for the judgment to be rendered. In days of business fluctuations the suspense might destroy the remedy. Hence there must be a power to vacate such order. The Code, § 1000, provides that this may be on notice by the judge who made the order, or it may be set aside for irregularity by the court. This omits the case of the absence or inability of the trial judge, which we treat by rule 220, providing that then "the court at Special Term shall continue to have jurisdiction to set aside this order."

Orders granting new trials have always required that the grounds be stated. Our rule 224 repeats General Practice 31 that grounds of the motion and of the order shall be stated unless the order be based on exceptions taken at the trial. While rule 31 is often now ignored it is necessary to guard against that which might look like arbitrary action by the trial judge by requiring the grounds to appear.

Our rules 30 and 243, dealing with commutation of an annuity into a gross sum, refer to the "American Experience Table of Mortality," in place of the Carlisle Tables, the present standard under General Practice Rule 70. The rules of the Court of Chancery referred to the Portsmouth or Northampton Tables, which are based upon records in England in the eighteenth century. The Carlisle Tables are founded on mortality there observed up to 1815. Mr. Sheppard Homans of New York published the American Experience Table of Mortality in 1868, which the legislature that year adopted for computing policy values in liquidating insurance companies. (L., 1868, Chap. 623.) It is adopted also in Michi-

gan, North Carolina and Wisconsin. Certainly it is a better gauge for expectation of the lives of New Yorkers than experience in British cities of over a century ago.

In the interests of shortening appeal records we have attempted to bring back the former "bill of exceptions," which though still mentioned in rule 34 of the present rules of practice, has apparently been dropped from the Code of Procedure. General Rule 34 now says that "[a] bill of exceptions shall contain only so much of the evidence as is necessary to present the question of law upon which exceptions were taken on the trial." But the only reference in the Code is by § 997, in which, after providing for making a case, there comes the clause: "If it afterwards becomes necessary to separate the exceptions, the separation may be made, and the exceptions may be stated with so much of the evidence and other proceedings as is material to the questions raised by them, * * *"

Our rule 232 would discard the term "case and exceptions." We mean that when all the evidence goes up it is by a "case." Otherwise when a part only is presented bearing on special points or rulings, such an appeal record will be a "bill of exceptions."

This seems desirable in view of a misapprehension caused by the 1913 amendment of General Rule 34, which stated that "a case and exceptions shall contain all the evidence by question and answer," instead of the prior direction to reduce the testimony to narrative form. Since 1913 many practitioners have apparently felt compelled to print the entire stenographer's transcript. This often appears by counsel's statement in the Appellate Court that all the essential part may be found in the first 50 pages of a record, often of several volumes! Of course it takes mutual co-operation between the opposing attorneys to review on a bill of exceptions. But a return to this old method is believed to be salutary and to accomplish a saving to counsel and to the courts that may hear the appeal.

Before leaving these references to procedure, I must point out the inherent difficulty of bringing about by a single enactment great and radical changes. Lawyers accustomed to old and settled habits of litigation naturally are averse to innovations. Those of more radical views in turn object to many

matters that are preserved, which they would discard. Furthermore, our Bar, who are directly interested in practice, are not all prepared to turn over to the Judges the whole subject of practice regulations. Inevitably the result must be a compromise, which may meet the view of the greater number of the profession.

And it is in this spirit and hope that the Civil Practice Rules are offered to accompany the new Civil Practice Act.

Simon Fleischmann, of Buffalo:

Mr. President and Members of the Association: It has appeared, during the last few minutes, that there might be danger, if we did not halt a moment, of an up-state stampede which, I feel should not get going any further. Six or seven very forcible gentlemen said they voiced the sentiments of their respective counties in favoring the repeal of this act. It is, of course, to be regretted, at the outset, that they were not at our special meeting, which was held in May last. Now, I come from still further west than do these gentlemen,—a place known as Buffalo. It is a place on the map of this state where all trains stop, possibly to escape the danger of being submerged, if they went farther. So far as I know, although I am a member of the Bar Association of Erie County, there has been no meeting of our association held upon this subject. I state that, advisedly, because, I fear that I do not attend the meetings as regularly as I should. Now, there are a number of Buffalo people here, and I have asked some of them about this matter, and they state that, in this particular, I am correct.

It is evident, that there are a great many counties in this state, aside from those few who have reported as having held Bar meetings, who do not agree with those who have. At last accounts, I believe there are over sixty counties in the state. So I may take the position of an attorney up our way, once, when defending a man who was accused of stealing a horse. He said: "The District Attorney has been able to produce only three witnesses, who claim that they saw my client steal this horse, whereas I produce twelve reputable witnesses who solemnly swore that they did not see him steal it.

Now, that is somewhat the situation here. I want to say, however, and I feel that I owe it to myself and to my part of the state, that I am satisfied, that, if there was a meeting of the Bar of Erie County, which is one of the largest counties in the state, there would have been at least one—and I am too modest to name him—and I think there are others, who would have prevented a unanimous vote on this subject, the same as they were able to put through and produce from these rural counties that have been heard from. I am glad that the forcible president of the Rochester Bar Association was frank enough to admit that we are living in excitable times, when people are easily swayed—of course, by eloquence such as he can produce—and, undoubtedly, that accounts for the vote of his association, a ninety-nine per cent vote in such times! I was in hopes that my distinguished—I may say, my dear friend, Judge Sutherland, would acknowledge that he was that one vote up there, and I am disposed to think he was. That vote would count—I won't say more than the other ninety-nine—but it would come pretty close to matching it. Now, Judge Sutherland, like a few others whom I might name, is a man of such commanding ability that he could not afford to remain a Judge of the Supreme Court, and he resigned and went into the legitimate practice of the law, at the bar of Monroe county. And I was glad to see that in defiance of the other ninety-nine—the ninety and nine, I might say—he has come here to-day and says that he is in favor of a *slight* modification of the report of this committee, and that is to postpone the date for this act taking effect. Of course, Judge Sutherland wouldn't take that position if he did not think it ought to take effect on this postponed date. Oh, no! No judge could afford to be misunderstood on a proposition of that kind.

Now, it may be, gentlemen, in all seriousness, and laying all joking aside,—that this is the only possible solution this afternoon of this very important problem, because I feel, as a member of this Association, that we should all recognize that it will be a serious mistake for this Association to take a position to-day which, perhaps, if it does not go to the extent of stultifying itself, as some of the

speakers, I think, have correctly described it, will at least be calculated to make us ridiculous in the eyes of the unappreciative public of the Empire State, including its Assemblymen and Senators. Now, confidentially,—I hope there is nobody here except the lawyers—I am worried about our worthy President, and what may happen to him in Albany if this bill is repealed. He called the special meeting of this Association that was held last spring, and he presided with quite as much dignity as he is presiding to-day, although now he is Governor also of the great State of New York. We all had an opportunity to come here—at our own expense, of course,—and a large number of us came here, and there was a reasonably close vote on the main proposition, and it was carried, namely, that we should recommend to the Governor—and of course, that was not to Governor Miller, yet,—that he approve this bill, and the Governor, Governor Smith, did so. Seriously speaking, what position are we in, if we should go up now and say that the same association which at a meeting voted to recommend this bill now, at another meeting voted to repeal it?

Gentlemen, it is a very serious question whether we, as an association, can afford to take this action. It seems to me that, if there is anything that the lawyers ought to stand for, at any rate, until we adopt something new, it is for the old doctrine of *stare decisis* and, in this case, *res adjudicata* on the main proposition, to say nothing of the question of loyalty to the Association when its action was taken at a special meeting called for that special purpose last spring.

I wish that I had the time to say something about the merits of this measure. I think that I said last spring that I never was in favor of plunging into the other extreme, of which some of the members, wiser than I, were in favor, to wit, of turning our practice and our courts entirely over to our judges. I am not in favor of it. I do not believe it can be done in this country, as it is in England. We had a paper read before this Association some years ago in which a distinguished man said, that the American bar and public would not stand for what he called the arbitrary and dictatorial practices of English judges. Having that in

mind, I have looked over this Practice Act, I heard to-day the summaries of it, and, we are confronted with the solid proposition as to whether we are willing to stand for a thirty-five-per-cent or a fifty-per-cent-on-the-dollar improvement in our practice or nothing. I can respect any man who says that we are going to have the whole loaf or none; and I believe that is his constitutional privilege, especially if he can get it. But after you have heard what is to be done here, it seems to me clear, that it is at least in the direction of what the radical people want. Of course, if the very frank gentleman from up-state who spoke, says that he has always lived inside of the Code by candle light, I wouldn't deprive him of it if we do not all have to stay there with him. I personally object to such close contact indefinitely continued. I want to get out into the sunlight. As I am getting older physically, I hope I am growing younger in spirit, and I haven't yet come to the point where I would refuse to accept an amendment or an improvement in a constitution because I could not have all that I want. It seems to me there would be an element of conceit in assuming that everything that I wanted was everything, that everybody else wanted, because, if that were so, neither of us would have it, in all probability. As I say, this act is all that we can get now. There is no use of standing up here and saying that we are going to have everything run by rules, if there could be anything more improbable than to suppose that you would get rid of arguments by lawyers under rules or the conflict of courts under rules, especially, when they make them themselves, I would like to have some one point it out. It is a good thing for the law that lawyers and judges disagree; it is a good thing for this Association that we disagree, or it would be a very tame Association. It seems to me that, if the report of the Committee is adopted, or, if that seems inadvisable that there be some fair extension of the time, we will at least save our faces, and not appear ridiculous to a public that is never too friendly to lawyers, even in paying their bills, as having, at one meeting, held one way and at another meeting having held another way on the same question. We seem to lose sight of the fact that this a now a law of

the State, made with our co-operation; and the question now is, whether the organization that endorsed it, shall march up to Albany and say: "We want you to repeal it." The Legislature may well say: "Well, probably next year you will come up here again and want us to re-enact it." There ought to be some *esprit de corps* in respect to this matter, and not merely violent action, changing all that we did before. You gentlemen who paid no attention to the notice given for the special meeting ought to be at least somewhat modest and graceful in your attitude to-day, and not attempt to overrule the action taken at a meeting at which you had a chance to participate but did not; and I appeal to your pride and interest in this Association and its well-being to stand by our former action.

Henry W. Taft, of New York:

I had not expected to speak on this subject. Unfortunately, I was not present at the meeting in May at which action was taken by this Association. I happened to be in Japan; and I had not expected to speak on this occasion. But I have been to such an extent identified with recent efforts to procure a simplification of practice, that I am not able to resist the temptation of saying a word, even at the very serious penalty of being presented in contrast to such an interesting speaker as my friend from Buffalo. My interest in this subject is to procure some advance — I will even call it a reform — in relation to the procedure in this State which, by reputation at least, has come to be measurably near a disgrace. I am surprised to hear statements made here that seem to be predicated upon the assumption that this subject has received attention only recently. For it is now five years since the report of the Board of Statutory Consolidation was presented to this organization, and upon me devolved the duty of examining it. I did this with the utmost care, and I prepared an elaborate report dealing with the recommendations it contained. This report was critical, but discriminating. In the main it approved the Board's general scheme of reform. But we commented upon the inadequate draftsmanship of the report, and I undertook to redraft that part of it which was called a Short Practice Act. We recognized, however, that

the report of the Board contemplated a great improvement in our scheme of procedure, and we urged that the weight of the influence of this Association be cast in favor of its approval as a basis for procedural reform. That situation continued for a year or two. The report of the Board excited a great deal of opposition, especially in the Legislature. It was vigorously opposed quite generally by the bar. It soon became manifest that the Legislature would not adopt its recommendations. Accordingly, a Joint Legislative Committee was appointed. Three years ago this month a tentative report of that Joint Committee was presented; and the Committee of this Association charged with the duty of examining it — and I then had the honor to be Chairman of that Committee — examined it, and made an elaborate statement of its chief features. The report of the Board of Statutory Consolidation accomplished, in substance, about two dozen reforms in procedure, but they were fundamental. Practically all of these, I may safely assert, the report of the Joint Committee adopted, although in a quite different form, and in our report of three years ago we took these up in detail. With two or three exceptions we recommended that they be approved. We thus made some progress; and during these three intervening years the Joint Committee has been at work endeavoring to perfect their original recommendations. They have not made any substantial changes which to any great extent impair the work which they originally did.

Now, in that situation, the question is presented whether this Association is going to condemn the work of the Joint Committee of the Legislature because it elected to amend the existing Code, instead of adopting the more scientific method of treatment employed by the Board of Statutory Consolidation. Our Committee said that this Association would retard the progress of a salutary reform if it presented itself in opposition to the specific recommendations of the Joint Committee of the Legislature.

Such is the situation to-day. Personally, I have no objection to a delay of an additional year, because I want all the light possible thrown upon this subject. But if there is delay I fear that we lawyers will not avail of it to devote the necessary time to a further examination of the specific proposals. I

was surprised at that admirable work of the Bar Association of Tioga County — or was it Monroe County? A few Associations, half a dozen out of a total of 70 counties, have done something upon this subject. Ideally that is the way the subject ought to be dealt with. But, gentlemen, it will not be. Without any reflection upon any gentleman here, I venture to say there are not ten per cent of the members present who have read this Practice Act or will in the coming year. I say that advisedly. I do not believe one lawyer in twenty has taken time to examine it, or to examine the rules of court which have been adopted; and that will be the situation a year hence. But the moral effect of the delay will be that this salutary reform will be defeated. I have been in a position where it has been my business to inquire how much time lawyers have devoted to this very dry and uninteresting subject. Neither they nor sitting judges as a rule will devote the time to it that they should. You will not get any more attention to the subject even if you do delay for another year. The reform will be adopted through the efforts of a few lawyers and a few judges who will devote their earnest attention to it in a disinterested and scientific way, and will formulate something. But we who stand idly by should not criticise in a captious way, but should approach in a friendly spirit.

There is another difficulty about this matter. I am not surprised to have criticisms come down here from upstate. In the country you do not practice law strictly according to the Code and the rules of court. You do not have to sign written stipulations; you do not have such things as defaults. You do not trouble yourselves to sit up until midnight examining questions of practice; you get down more quickly than we do in the cities, and with less difficulty to the substance of your cases. And you do not have many men who resort to procedural complications as strategical weapons for the purpose of accomplishing substantial results in litigation. But in the larger cities that is what we frequently have to contend with, and that is one thing which has brought the practice of the law in this State into some discredit.

Gentlemen, this is a serious matter. It involves the very heart of the bar. Delay is very easy to urge and objections are very easy to make. But, we have here a most salutary

reform; it is not ideal, but it is a great improvement. If we let it go over for another year our action will be interpreted as a defeat of the whole project, and we won't get any reform at all. We could proceed to take up these thirty particular things which are accomplished by the report of the Joint Legislative Committee, but it is now twelve years since the Bar Association of the City of New York started to try and accomplish certain specific reforms in procedure, and they did accomplish about fifteen, if I recollect right — Isn't that so, Mr. Forster?

Mr. Forster:

I recollect over forty.

Mr. Taft:

And they were of a most vital and important character. They were accomplished one by one. They were extorted from the Legislature against great opposition. When it came to make a catalogue of those reforms, at the end of ten years, they constituted a very substantial reform in the procedure of this State. Now, we could go to work to accomplish in the same way the two dozen reforms proposed by the Joint Committee, but we might fail; and at best it would be a halting process. But here we have a situation created by the Joint Committee's report which has given momentum to the effort for reform and has accomplished results. And we have definitely approved them. Shall this great Association now turn its back upon its record of the last five years and take action by which it would, seemingly at least, stultify itself. I very much hope, gentlemen, that you will not.

Frank Harvey Field, of New York:

I would like to make two or three observations. After listening to the discussion I think everybody agrees that the State of New York lags far behind all other Anglo-Saxon communities in its method of administering law. We know that New York State has a Bar which is at least the equal of the Bar of any other Anglo-Saxon community, yet in many of our states, and in England, and in Canada, they are far ahead of us in their method of administering the law. I think it is

apparent from the discussion that this Civil Practice Act meets, at least, most of the just criticisms that are leveled at our system of practice. It seems to me also apparent that the only criticism made is that some members of our Bar believe that it could have been done better in some other way. Therefore, it occurs to me, that having enacted this, and largely through the encouragement and approval of this Association, that it would be indefensible and absurd if we now vote to repudiate it.

Ansley Wilcox, of Buffalo:

I do not desire to debate this matter further, because I am satisfied that the meeting is ready to vote. I think the address of Mr. Fleischmann, followed by the admirable statement of Mr. Taft, has summed up nearly everything that can be said on this subject. I only wish, as the seconder of Judge Sutherland's motion calling for an additional year of delay, to point out what I think is one error in Mr. Taft's statement. He said that he did not personally object to a year's delay, except that he thought it would accomplish nothing, and that a year of delay would practically bring about the defeat of the act —

Mr. Taft (Interposing):

Pardon me, I did not say just that. I said that it would practically accomplish the defeat of the resolution.

Mr. Wilcox:

Well, it may be a misfortune, but I think it is a fact to-day that most of the gentlemen who are gathered here at this meeting are really not prepared to vote upon this matter on its merits. If Mr. Taft had done — what I ventured to suggest to him when he was speaking — and had asked how many of the members here had read this Civil Practice Act and the rules, I don't think a dozen members would have held up their hands. Personally, I confess that I do not know enough about it myself to talk about it on the merits, and I cannot vote at all if the question is put upon the merits. I think it is a mistake to try to force a body of men to vote on a subject like this unintelligently, and I think they should

be forced to exercise their rights to study the subject by some such recommendation as might be proper from the governing body of this Association to its own members and to the constituents of those members, the Association up-state. Then, in acting on this subject in the meantime, if they act on it at all, let them take pains to find out how much the members who vote on it know about it. I think it is in the interest of real law reform that this additional time be given.

The President:

I think the orderly disposition of the question before the house will be to submit, first, the amendment that has been made, which is virtually a motion to reconsider the action previously taken by the Association, and which virtually recommends the repeal of this Civil Practice Act.

A Member:

May we first have the original motion read?

The President:

Judge Clearwater, your original motion —

John J. McInerney, of Rochester (Interposing):

However this vote may go to-day, I say that it is no real expression of the sentiment of the Bar of this State, because were we to hold this meeting in Buffalo or in Rochester, the vote would be overwhelmingly to repeal this act. You must realize, sir, as Governor of the State, that there cannot be a few men, as compared with this great assemblage here to-day of interested lawyers, that their sentiment will guide them in the vote. As Governor of the State, I ask you not to take the expression of this vote to-day as the sentiment of the Bar of New York State.

The President:

As Governor of the State, sir, I shall act upon my own independent judgment.

Mr. McInerney:

I dare say that acting upon your independent judgment you will not be inclined one way or the other in doing your duty,

as you see it, and you won't find it necessary to get from Simon Fleischmann anything that would excuse —

(At this point the speaker was cut off by cries of Question! Question! Question!)

The President:

Judge Clearwater, will you state your motion again, the resolution that you offer?

A. T. Clearwater, of Kingston:

This was the resolution submitted by the Committee, and the adoption of which the Committee moves:

Resolved, That the Association having approved the various practice acts passed by the Legislature of 1920, known as chapters 925, 928 and 937 of the Laws of that year, suggests to the Legislature postponing the effective date of those acts from the 15th day of April to the 1st of September, 1921.

That the President of the Association be requested either to re-appoint the present Committee to Examine the Practice Act, or to appoint another Committee charged with that duty, and that such Committee be instructed and authorized to confer with the Joint Legislative Committee, proper Committees of both Houses of the Legislature, the Governor of the State, and the Judges of the Appellate Division, regarding the amendment and perfecting of the Practice Act, and to endeavor to agree with them upon the character of such amendment.

Subsequently to moving the adoption of that resolution I accepted the amendment that was proposed by Senator Walters, making the effective date the 1st of October instead of the 1st of September. Therefore, the report of the Committee as presented with the simple change that the effective date be the 1st of October instead of the 1st of September, is what we favor.

The President:

That is the original question. There have been two amendments offered to it. The first was that the Association recommend the repeal of the act. The second was that the Association recommend the postponement of the time of the taking effect of the act to September 1st, 1922. If they were

to be put in the order in which they were to be made, the last amendment would probably come first.

A Member :

May I suggest that the motion for repeal, being a substitute, it really comes first?

The President :

The question now arises upon the motion recommending the repeal of this Civil Practice Act. Are you ready for the question on that motion? As many as favor the repeal of the act will signify it by standing. Now, those opposed will stand.

Gentlemen, the amendment is lost.

The question now arises upon the amendment offered by Judge Sutherland, seconded by Mr. Wilcox, that the Association recommend that the time for the taking effect of the act be postponed to September 1st, 1922.

Joseph Wheless, of New York :

I move you, sir, that that lay on the table.

The motion was seconded.

The President :

Motion has been made that Judge Sutherland's amendment be laid on the table. Are you ready for the question? All in favor of that motion will stand. Those opposed will now stand.

The motion is carried.

The question now arises upon the original motion submitted, and which has been amended by the consent of the committee, as you have heard, and which it is not necessary for the Chair to repeat.

A Member :

What is that amendment, if I may ask, Mr. President?

The President :

It is the amendment which involves a postponement to October 1st, 1921, and the continuation of the committee for the purpose of considering proposed amendments, as

stated by Judge Clearwater. As many as favor that will signify the same by saying aye; contrary minded, no.

The ayes have it, and it is carried.

The next order of business is the Report of the Nominating Committee and Election of Officers.

REPORT OF THE COMMITTEE ON NOMINATIONS

To the Members of the New York State Bar Association:

The Committee appointed to nominate officers of the Association for the ensuing year, report that at a meeting of this Committee, held in New York City, December 15, 1920, the following persons were unanimously agreed upon for the respective offices, and your Committee respectfully recommends their election:

PRESIDENT

William D. Guthrie, New York

VICE-PRESIDENTS

First District,
Second District,
Third District,
Fourth District,
Fifth District,
Sixth District,
Seventh District,
Eighth District,
Ninth District,

Francis M. Scott, New York.
Harrington Putnam, Brooklyn.
Alden Chester, Albany.
Ledyard P. Hale, Canton.
Alexander H. Cowie, Syracuse.
George F. Lyon, Binghamton.
John D. Teller, Auburn.
Walter P. Cooke, Buffalo.
Arthur S. Tompkins, Nyack.

SECRETARY

Frederick E. Wadhams, Albany

TREASURER

Loran L. Lewis, Jr., Buffalo

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First District,

Samuel H. Ordway, New York.
Joseph P. Cotton, New York.
Martin Conboy, New York.

Second District,

Robert B. Honeyman, Brooklyn.
John J. Kuhn, Brooklyn.
William J. Morris, Jr., Long Island City.

Third District,

John G. Van Etten, Kingston.
William V. R. Erving, Albany.
Calvin S. McChesney, Troy.

Fourth District,	Thomas B. Cotter, Plattsburg. Frederick W. Dudley, Port Henry. Anson Getman, Johnstown.
Fifth District,	Joseph B. Murphy, Syracuse. Warnick J. Kernan, Utica. H. Duane Bruce, Syracuse.
Sixth District,	Frederick W. Clifford, Owego. Frederick Collin, Elmira. Willard M. Kent, Ithaca.
Seventh District,	Arthur E. Sutherland, Rochester. Jesse S. Phillips, Hornell. John Colmey, Canandaigua.
Eighth District,	J. Alan Hamilton, Buffalo. Fred M. Ackerson, Niagara Falls. Joseph H. Morey, Buffalo.
Ninth District,	William Fraser Cassedy, Newburgh. Russell Wiggins, Middletown. Frank L. Young, Ossining.

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Third District,	Frederick E. W. Darrow, Kingston. Northrup R. Holmes, Troy. Julius Ilch, Albany.
Fourth District,	Fred Linus Carroll, Johnstown. Cyrus W. Briggs, Schenectady. William T. Moore, Mechanicville.
Fifth District,	Francis E. Cullen, Watertown. Charles C. Cook, Syracuse. D. P. Morehouse, Oswego.
Sixth District,	Randolph Horton, Ithaca. Ross M. Lovell, Elmira. William Wirt Newell, Binghamton.
Seventh District,	John M. Brainard, Auburn. Eugene Van Voorhis, Rochester. Charles W. Kimball, Penn Yan.
Eighth District,	A. G. Bartholomew, Buffalo. Walter H. Edson, Jamestown. Richard H. Templeton, Buffalo.
Ninth District	Francis X. Donoghue, Yonkers. Ernest P. Hoes, New York. George A. Slater, White Plains.

COMMITTEE ON ADMISSIONS

First District,	Joseph H. Choate, Jr., New York. Charles Strauss, New York. Allen Wardwell, New York. Wilson M. Powell, New York.
Second District	Frank S. Gannon, Jr., Richmond. Elmer G. Sammis, Brooklyn. Willard N. Baylis, Huntington. Edward J. Byrne, Brooklyn.
Third District,	John C. Watson, Jr., Albany. Howard C. Wilbur, Catskill. Frederick C. Filley, Troy. Joseph Rosch, Liberty.
Fourth District,	Homer J. Borst, Schenectady. Andrew J. Hanmer, Massena. Willoughby L. Sawyer, Hudson Falls. Henry F. Toohey, Schuylerville.
Fifth District,	Emerson M. Willis, Utica. Stewart F. Hancock, Syracuse. John D. McMahon, Rome. Ira P. Betts, Phoenix.
Sixth District,	Frank Beck, Owego. James S. Flanagan, Norwich. Halsey Sayles, Elmira. Robert S. Wickham, Binghamton.
Seventh District,	Eugene J. Dwyer, Rochester. Milo M. Acker, Hornell. George S. Tinklepaugh, Palmyra. Eugene Raines, Rochester.
Eighth District,	James W. Persons, Buffalo. George C. Lewis, Lockport. Clarence H. Greff, Warsaw. Philip J. Wickser, Buffalo.
Ninth District,	Eugene F. McKinley, White Plains. Edward Cornell, Central Valley. Frederick W. Penny, Haverstraw. Frank D. Briggs, Tarrytown.

COMMITTEE ON GRIEVANCES

First District,	Alfred W. Hinrichs, New York. William C. Breed, New York. Henry W. Sackett, New York.
Second District,	Timothy M. Griffing, Riverhead. William S. Pettit, Far Rockaway. Edward Riegelman, Brooklyn.
Third District,	John E. MacLean, Cohoes. John W. Roberts, Troy. Newton B. Van Derzee, Albany.

Fourth District,	James S. Kiley, Glens Falls. Marvin H. Strong, Schenectady. Walter Guest Kellogg, Ogdensburgh.
Fifth District,	Francis M. Hugo, Watertown. Ezra A. Barnes, Oswego. Frank N. Decker, Syracuse.
Sixth District,	William H. Sullivan, Norwich. Thomas J. Keenan, Binghamton. Clayton R. Lusk, Cortland.
Seventh District,	Harvey F. Remington, Rochester. Arthur J. Hammond, Geneva. Joseph P. Doyle, Rochester.
Eighth District,	John C. Leggett, Cuba. William Palmer, Buffalo. Blaine F. Sturgis, Medina.
Ninth District,	Harry C. Barker, Poughkeepsie. Graham Witschief, Newburgh. John F. McFarlane, Nyack.

COMMITTEE ON SELECTION OF CANDIDATES FOR JUDICIAL OFFICE

First District,	George L. Ingraham, New York. Louis Marshall, New York. DeLancey Nicoll, New York.
Second District,	Herbert T. Ketcham, Brooklyn. John Hill Morgan, New York. Peter B. Olney, Jr., New York.
Third District,	William L. Visscher, Albany. Russell M. Johnston, Albany. William D. Brinnier, Kingston.
Fourth District,	Erskine C. Rogers, Hudson Falls. D. B. Lucey, Ogdensburgh. Horton D. Wright, Gloversville.
Fifth District,	Virgil K. Kellogg, Watertown. Louis L. Waters, Syracuse. Charles N. Bulger, Oswego.
Sixth District,	David N. Heller, Elmira. Frank S. Bentley, Horseheads. George F. Andrews, Owego.
Seventh District,	Charles D. Newton, Geneseo. Stephen J. Warren, Rochester. Myron D. Short, Canandaigua.
Eighth District,	Henry W. Pottle, Buffalo. George M. Tuttle, Niagara Falls. Thomas A. Kirby, Albion.
Ninth District,	William F. Bleakley, Yonkers. Samuel K. Phillips, Beacon. Herbert B. Royce, Middletown.

COMMITTEE ON LEGAL BIOGRAPHY

First District,	James DeWitt Andrews, New York.
Second District,	Harrison C. Glone, Brooklyn.
Third District,	Edward J. Halter, Albany.
Fourth District,	Lawrence B. McKelvey, Saratoga Spa.
Fifth District,	Frank R. Walker, Syracuse.
Sixth District,	Maurice E. Page, Binghamton.
Seventh District,	Isaac Adler, Rochester.
Eighth District,	William G. Doorty, Buffalo.
Ninth District,	Joseph W. Gott, Goshen.

Respectfully submitted,

HENRY W. TAFT, *Chairman*, New York.

FREDERICK E. CRANE, Brooklyn.

ROLLIN B. SANFORD, Albany.

DANIEL NAYLON, JR., Schenectady.

ALEXANDER H. COWIE, Syracuse.

FREDRIC W. JENKINS, Binghamton.

EUGENE J. DWYER, Rochester.

JOHN LORD O'BRIAN, Buffalo.

LAWRENCE A. TANZER, Mt. Vernon.

Dated, New York, December 15, 1920.

A Member:

I ask unanimous consent that Mr. Simon Fleischmann, of Buffalo, be granted the privilege of casting the ballot of the Association for the election of the officers recommended by the Nominating Committee.

The motion was duly seconded and carried.

The President:

Mr. Fleischmann, will you cast the vote of the Association as directed?

Simon Fleischmann, of Buffalo:

I rise to a point of information, Mr. President, does that include the privilege of substituting any name?

The President:

I do not think that discretion was lodged in you by the vote.

Mr. Fleischmann:

Mr. President, I have cast the ballot as directed.

The President:

The vote having been cast for the officers named, the Chair declares them duly elected to serve as officers of the Association for the ensuing year.

The Secretary:

Mr. President, I move that the general rule recommended yesterday by the Committee on Ethics in its report be referred to Judge Clearwater's Committee for consideration.

The motion was duly seconded and carried.

The Secretary:

The Committee on Membership moves the election of all the gentlemen whose names were presented at this meeting.

The motion was duly seconded and carried.

The President:

The gentlemen nominated for membership in this Association at this meeting are declared members of the Association.

Ansley Wilcox, of Buffalo:

Mr. President, I desire on behalf of the members of this Association from other parts of the state to express our appreciation of the fact that the President of this Association at this time has found it possible to leave his newly assumed and very onerous duties in Albany to come here and preside at this meeting, and to express not merely a formal vote of thanks, but our high appreciation of his act. (Prolonged applause.) I think, Mr. President, that you may assume that my motion has been unanimously carried.

The President:

I appreciate the expression of the Association.

Waldo G. Morse, of New York:

I desire to offer the following resolution:

Resolved, That a committee of five be appointed by the President to formulate and report to this Association for consideration those matters wherein conflicts of jurisdic-

tion, authority or policy have arisen or exist between the State of New York and the Federal Government.

The resolution was duly seconded and adopted.

James T. Rogers, of Binghamton :

I move that the thanks of the Association be extended to the Association of the Bar of the City of New York for the courtesy afforded in giving to the Association the use of this hall, and the privileges accorded to us in meeting here at this time.

The motion was variously seconded and carried.

The President :

The Chair desires to remark that the Association of the Bar Association of the City of New York is entitled to this expression of appreciation for affording to us this very suitable place in which to hold our meeting.

Is there anything further to come before the Association at this time?

The Secretary :

I move that the special committees not already continued be continued with the privilege to the President of changing the personnel of the committees, as he may desire.

The motion was duly seconded and carried.

The President :

Gentlemen, the chair will declare the meeting adjourned.

FREDERICK E. WADHAMS,

Secretary.

ANNUAL DINNER

The annual dinner was given Saturday evening, January 22, 1921, at the Hotel Astor, New York, President Miller presiding.

The speakers were as follows:

Governor Sproul.

William H. Wardrobe, K. C.

Senator Wadsworth.

Alfred E. Smith.

William D. Guthrie.

PROCEEDINGS AT THE DINNER

President Miller presiding.

The President:

I propose that we stand and drink a toast to the health of the President of the United States.

(All arose in response.)

The President:

Members of the New York State Bar Association, Invited Guests, Ladies and Gentlemen.—We are assembled here at another annual meeting at a time in the history of our country when we believe that great things are impending.

Every time of stress subjects our institutions to great strain. We have had a few such periods in our history and from each one our institutions have emerged, if somewhat changed, yet nevertheless intact.

We have been passing through another such period, a period of the exercise of extraordinary powers, and such periods are always likely to leave their impress permanently upon our institutions, and one of the things ahead of us to be done is to restore American institutions to their former vigor.

We have ahead of us a period of readjustment; and periods of readjustment are bound to subject our institutions also to great strain. And so we are living in a time when it is peculiarly the province of those members of society especially trained to understand our institutions and to explain them, to defend them from the consequences either of the exercise of extraordinary powers, or of resorts to expediency, which are likely to occur at such times.

It has been said that the influence of the bar is not what it once was. If that statement is true, I think it is only true relatively, because there are so many other members of the community, both in professions and in business, who exercise a greater relative influence than formerly. But certain it is, and no one who looks over the legislative or administrative branches of the Government can doubt—that the Bar still exercises a most potent influence in shaping our affairs. And so now we are confronting a period in which the members of the Bar can perform a most patriotic service, the highest

possible duty of citizenship in defending and maintaining our institutions.

We are favored to-night, greatly favored, in many respects. You may have observed that there are a great many ex-Governors here to-night. There is no significance in that. There are some live governors here too; and one of the great Governors of one of the great imperial States, our neighboring State, is here. (Governor Sproul.) A State, too, from which I am sure the State of New York has very much to learn.

And I have been struck by the observation made by the Governor of the State of Pennsylvania to me to-night—which upon reflection I am sure is true—that the development of these two great neighbor States have not proceeded along the same lines in many respects, and particularly so far as pertains to the Constitution of the State Governments.

It is a somewhat remarkable circumstance, and as I have reflected upon it and reflected upon the present situation of our own State, I am sure we can learn from the State of Pennsylvania; and I have the very great honor and the pleasure now to introduce to you the Governor of that State, Governor Sproul.

Honorable William C. Sproul:

Governor Miller, Distinguished ex-Governors and Other Guests and Members of the New York State Bar Associations.—I take a great deal of comfort in the fact that there are a great many ex-Governors here to-night. I have found that my duties were wearing pretty seriously upon me, and I wondered whether I should last throughout my term or not. Over in Pennsylvania we have very few survivors, and it is a great comfort and reassurance to see so many men here who have gone through the mill of real experience, and who, I am glad to say, never looked better in their lives.

But really, I wonder that I am here to-night. I am not a lawyer. I never thought I would have the courage to face so many live members of the Bar at one time in these cold and calculating days. Our Bar Association over in Pennsylvania generally meets at the old town of Bedford—away out in the mountains, a great old resort, where there are no diversions except what they make for themselves. And where there are no neighbors to be disturbed by their diversions. And

I want to say that there are a great many conditions which prevail in the rest of the country which do not seem to prevail out in the mountains of Bedford. And, generally, on the night when the banquet of the Pennsylvania Bar Association is held, it does not make much difference what any fellow says — let alone a governor.

But here and now it is a different situation. I know you all feel that I am a mighty unfortunate individual, especially placed in the position that I am in for the time being, in not being a member of the Bar. I realize my shortcomings in that direction mightily; but I want to tell you there are many compensations. And the fellow who finds himself in my position is mighty lucky to have a barrage of lawyers between him and trouble. It is so much easier not to settle a question yourself, and to be able to refer it to the Attorney General — whom you appoint yourself. And then of course you can blame it on the construction — the narrow construction it may be — of the obliging Attorney General in keeping you from being obliged to do things you don't want to do. And then it has great advantages at other times, when you are not required to be exactly accurate in opinions you express. Tell them that is just the common sense businesslike view of the situation; but unfortunately a moribund constitution and narrow laws prevent you from taking a modern view of the situation as it exists. So I am not entirely unhappy in my misfortune.

Now, I did not get any advice as to what I should talk about or say here to-night. I expected to get some "atmosphere" before I had to talk.

A Voice:

That's a new name for it.

Governor Sproul:

I mean "atmosphere," — the atmosphere of the occasion; and I thought from the way in which Governor Miller started off, in the serious manner in which he reviewed the past and existing crisis that he would give me considerable atmosphere; and yet I was catapulted into this rather quickly.

But I have a thought or two which I would like to bring to you, things that seem quite important to me.

As Governor Miller says, our situation over in Pennsylvania is largely similar, essentially, to the condition in New York. New York has 10,300,000 people and Pennsylvania has nearly 9,000,000. We are still within haling distance of you. These two big states are one-fifth of the Union. We would make a mighty big hole in the country in case we should ever stop paying Federal taxes. And upon my word I think this question of Federal taxes is one of the things that is making so much trouble for Governor Miller and myself in our bailiwicks.

I do not believe we realize sometimes what tremendous organizations these states have become. I told our Legislature the other day — they invited me to come in person this time to talk to them — perhaps because they thought what I would have to say would be over sooner in that way. I sat in the Legislature for twenty-two years, and they were used to hearing me. And I told them as they sat there, they represented more people than the Legislatures of seventeen other States in the United States represented in their combined constituency. If I had talked over here to the New York Legislature I could have said eighteen.

And it is remarkable that New York and Pennsylvania — these two big States — by the figures of this last census, contain as many people as twenty-four other States of this Union — just exactly one-half the total number of States combined.

We do not always think of those things when we are considering state problems; and, gentlemen, there are a great many things now to do to which we should give attention, for after a while the people in another generation who live here are going to wonder what kind of folks held forth in New York and in Pennsylvania in the Nineteenth and Twentieth Centuries. If we do not be more careful in taking care of things as they exist, even in these great, big, strong, splendid, resourceful states, they will think we were remiss in our duties at this time.

Now, I like to analyze figures. It has been interesting to me to know that in the State of New York, after taking

out your five big cities — the five largest ones, New York, Buffalo, Rochester, Syracuse and Albany — you have only about three and one-half million people left. It is rather a shocking thing to find that a great old strong county like Ulster declined eighteen per cent in population in the last ten years. It is interesting to look along your Southern Tier and to find that every county there except those three where there are good-sized cities,—Broome with Binghamton, Chemung with Elmira, and Chautauqua with Jamestown — declined in population.

We are a little better situated in Pennsylvania because we have seven millions of people outside of Philadelphia, and over six million outside of our five big cities. But there is a lot of land and a lot of people who must be looked after a bit; and the State — you cannot dump everything on the back of the State — but the State is the agency which should start toward making things more interesting in those sections which at present do not seem to be so much favored.

This great congestion of population down here in the southeastern corner of your State cannot last as it is, without we attend to the things on the outside. Favored as the people in the rural sections of Pennsylvania and New York are, by the best and most convenient markets in the world, they will be still more favored by the localization of industry which is a natural result of increased freight rates and better transportation. But there are, nevertheless, thousands upon thousands of square miles of waste land in New York and Pennsylvania which must be looked after. It is a problem of the State.

The road improvements are helping out wonderfully in making rural life more attractive, but there are many things we have to do to bring about ideal conditions and conditions which will make these great old States as strong as they should be.

There is one particular thing which has interested me greatly in Pennsylvania, and that is the fact that we have in that State, favored as I say it is in markets and accessibility to great centers of population, an area as large as the State of New Jersey which is not good for anything except raising trees. That is the only way to utilize it. It is too rough for farms. You have a large area of the same kind. We have

bought one million acres of it, but we have five or six million which the State proposes to acquire as rapidly as possible so as to restore the forests, which were once the pride of Pennsylvania, and to do the things we should do for ourselves and the people who come after us.

There is no element in all of the country which can do so much in the way of forward-looking suggestion as the members of the Bar of these great States. There is no membership or any organization which can do so much to arouse interest and to bring the knowledge to the people who sit in snug satisfaction in our cities, the fact that they cannot always continue in that way if they do not pay some attention to the country.

That all resolves itself into one thing, and that is to arouse a greater State pride than we have just now.

We are the same in Pennsylvania as you are here. We have been content to let the people of the little States to the east of us write out history and tell about us. Most of the things you read about New York and Pennsylvania are presented to us from a Massachusetts or New England viewpoint. You may not like to hear it, but it is so. They have the public ear, and not only the achievements but the romance and the traditions and the things which go to develop State pride have been given to us largely by those folks up there who have had to write and make their own States great because they have not had the advantages we have had; and a great deal that is told about us, and what the rest of the country knows about us, comes largely from those people up there who are so proud of their own commonwealths that they take delight in expressing that pride upon every occasion.

One of the reasons why we do not have that intensity of State pride we should have is no doubt due to the fact that our States have grown so great. Take Delaware, for instance, with only two hundred and twenty-three thousand people; they have two United States Senators, just as we have, even though they have but one Congressman. But proud!!!—They are as proud of Delaware as folks can be.

And look at the census of New Hampshire and Vermont. How proud they are up there of their States; and we must not grow so big that we shall become careless. We must pro-

tect the pride in our States and be careful of the institutions of which we should be proud.

New York is the great headquarters of the land. Philadelphia and Chicago long ago ceased being at all jealous of New York. It is an interesting fact to remember in talking about these things, and when people talk of any rival to New York's supremacy, to recall the fact that New York has twice as many people as Chicago and almost three times as many as Philadelphia. It is a great thing to have such a city and such a State; but we must not forget that the city is part of the State, and the State must be given the support that she may be able to do the things which are hers to do and which she can do better than any other agency in this republic of ours.

It has always seemed to me that events, particularly lately, have particularly justified the broad plan of construction of this government of ours. We have not a rigid form of government; thank goodness. The things that suit men in Maine, would not satisfy New York; and what suits Pennsylvania would not suit Oregon; and what suits Virginia would not suit Arizona. But we have a great government which is responsive to the wishes of the people, and our safeguard is in the unity of our States, which make a great fabric which follows the contour of the popular sentiment of the land. We want to strengthen those States and bring them closely to the people, and get back to them the things which are theirs to do, and make sure that when our federal government does intervene — this may sound strange coming from a Pennsylvania man — but when the federal government does in matters of State or local activities, intervenes, these things should be done through the agencies of the State. Where the United States government essays to help with the schools, to help with highway building, where it comes in to do various other things, the State is the agency through which it should reach the people of the State in matters which are not strictly and constitutionally federal activities.

It is one of the things I know Governor Miller has in mind. It is one of the great problems of readjustment which the States have to meet. We must see there is no

twilight zone between the activities of the federal government and the State governments; but that there shall be a sharp line of demarcation; and the States shall be maintained in all their relations with their own people in their full integrity. The linked units of the States, forming one great, individual nation, are the greatest guarantee of the permanency of our republic, by keeping it elastic and readily responsive to the changing needs of our people.

And I say there is no organization which can handle these matters in so effective a manner as an organization such as this is, happily duplicated in the other States in the Union now. The influence of the members of the Bar will always be a mighty influence. The Bar has not lost its influence. It certainly has not lost the respect in which the people hold it. And if the old ethics of the Bar are maintained so that the people realize you are real officers of the Court when they come to you, there will be no lessening of that influence, and the great good which you have done in the past will be increased in the future through greater opportunity.

The President:

I am sorry Governor Sproul found us a little shy on "atmosphere," because if we are long on anything in an organization of this kind I am sure it is on "atmosphere."

I shall have to look into the cause of the declining population of our border counties and see if it is due to any migration to the State of Pennsylvania because life is made more attractive there than in our State.

Before introducing the next speaker I will ask you to stand once more and drink to the health of the King of England.

The President:

The Canadian Bar has always sent a representative to our annual meetings; and as a result most cordial relations have always been maintained between the Bar of our State and the Canadian Bar. We have with us to-night a distinguished representative of the Bar of our neighbor on the north, and I have the distinguished honor of intro-

ducing to you the Honorable William H. Wardrope, K. C., of Hamilton and the Province of Ontario.

William H. Wardrope, K. C.:

Governor Miller, Members of the New York State Bar Association, Ladies and Gentlemen: I was requested by Sir James Aikins, the President of the Canadian Bar Association, and also by Mr. Rodd, President of the Ontario Bar Association, to accept the very kind invitation that was sent to representatives of those several associations to be present at your gathering here this week.

It is the first opportunity I have had of meeting the members of the New York State Bar Association, and I deem it a great honor to have this opportunity given to me to become acquainted with so many distinguished men. I was very much pleased, too, to hear Governor Miller speak of the great array of the ex-governors you have with you to-night. I was hoping when he mentioned this fact that I would see rise in the audience the Governor of North Carolina, who would put his famous question to the Governor of South Carolina;—and that they might ask the representative of Canada to join them. I would ask for no other “atmosphere.” Although a Canadian, I am of Scotch descent.

I remember one year ago I had to go to northern Ontario—and the members of this great republic who went in a balloon to northern Ontario will tell you no one goes there unless he has to. I went by boat to Sault Ste. Marie after the unfortunate Act had been passed in Ontario similar to the act from which you are suffering here, and as the boat drew to the shore there were a number of men waiting to meet me whom I had not seen before. One of them in a very distinguishably Scotch accent said to me, “Mr. Wardrope, I understand you are of Scotch descent.” I said, “I am.” He said, “I have submit for you.”

But all the thirst that is spread over this great continent let me say is not confined to Canada. Two years ago I was in London. I met some distinguished Americans there; and at one of the meetings I attended one of these Americans was called upon to speak, and he said, “I do not know how I will be received by this audience. My parents and my grandpar-

ents and my great-grandparents were all born in New Jersey. I do not suppose there is a drop of British blood in my veins." And that same gentleman was called on one week after that to speak, and he arose and said — now I thought he had grown in the meantime both physically and mentally; his chest was expanded and as he addressed his then audience he said, "Gentlemen, I am all Scotch;" "one-fourth by inheritance and the rest imbibed." We had another American with us who declined to take anything. He said, "I am a loyal citizen of the United States, and I will not break the Constitution even if it is in the Old Country." I noticed that gentleman a little while afterwards calling for some ginger ale. This was at the Lord Mayor's banquet, given to us in the City of London. He received what he supposed was ginger ale, and like all teetotalers he finished it before he found out what it was. He quickly called for a glass of water, and the waiter who had given him the champagne said, "Water! Water! — at a Lord Mayor's banquet! There is no such thing, sir."

But, nevertheless, we are accommodating ourselves to the present circumstances — more or less gracefully. I am doing it very gracefully with the assistance of some unknown hands.

I shall never forget the Irish hospitality which has greeted me.

I shall never regret this first opportunity I have had of meeting with the members of the New York State Bar Association. I attended your meetings yesterday, and the meeting this morning, and while I was listening to the discussion I was rather surprised that no member of that Association had risen to ask that the word "Bar" be stricken from the name of the Association as a word quite inappropriate in this great country.

We shall think seriously of doing it in Canada because it is now looked on as a stigma to have such a word appear in any decent paper. I was greatly interested in the address delivered by Governor Miller yesterday at the Bar Association meeting, and with the very instructive address delivered by the Honorable Mr. Sutherland last night. And as I listened to these addresses I came to the conclusion that after all the British Empire and this Republic are people actuated by the

same principles, living in the same way, determined to enjoy life, liberty and property without fear and without molestation. And when I was listening to Mr. Sutherland last night I could not but remember that your laws sprang from the same source as our laws, and if you are well acquainted with your own law you are practically as well acquainted with our laws as I am myself.

The English-speaking people have always been actuated by the love of liberty, even in the old days when king and queen occupied a position of authority which they do not occupy to-day. As an illustration of which I may remind you of Queen Elizabeth, commonly called "Good Queen Bess," but who, if living to-day, would be considered a very strong-minded and perhaps profane woman. She wished some act done by the Bishop of Ely and wrote him thus:

"Proud Prelate — Remember who you were, and who placed you where you are. Comply with my request or by ——— I will unfrock you."

That was a woman I would not like to have married. But even in those days the people, who were called the common people, exercised a great influence, and while in those early days the rulers and the Legislators of the country were spoken of as "the King and the House of Lords and the House of Commons"—and those were really the relative positions of strength which they occupied in the country—it later became "the House of Lords, the King and the House of Commons." Now it is "the House of Commons, the King and the House of Lords; the last named if necessary."

When we go back to those ancient times we are reminded of King George IV being waited upon by the Duke of Wellington who wished Canning to be a member of his ministry. King George IV said, "Arthur, do you know I have passed my word as a gentleman that Canning shall never be a minister of mine? — Remember, Arthur, my word as a gentleman."

The Duke of Wellington looked at him and said, "Sire, you are not a gentleman — you are the King of England; and no personal considerations must exist so far as the responsible ministers are concerned."

"Well, Arthur, if you say it must be so, it must be so." And Canning was appointed.

The House of Lords was then, we might say, all powerful; but at the present day the House of Commons is really the Legislature in the British Isles, which says what is to be and what is not to be. We have for nearly a century now been governed by kings and queens, who have possessed to a very large degree the saving grace of common sense, and it has been no idle matter of form when men who are as old as I am myself have risen and drunk to the toast, "God Save the Queen," because I think no woman in any country ever occupied so illustrious a position, no woman ever deserved to occupy such a position as she whom we loved and revered as Queen Victoria.

She was followed by a son who in his youthful days showed some of the propensities of the members of the New York State Bar Association; but the responsibility that was thrown upon him showed he was a wonderful man; and the Prince of Wales of those days became Edward VII, known as "the Great Peace Maker."

He was followed on his death by King George; and no man during the troublous times of the past six years has conducted himself in such an irreproachable manner as him whom we may now call "Good King George."

And those of us in Canada who had the good fortune within a year to meet his son, the Prince of Wales, are full of love and full of esteem for the tact and the human nature that actuate his every word and his every action.

I have been asked by some of my American friends at different times during my life if I did not consider it a term of reproach to be called "subject" instead of "citizen." It has neither affected my appetite nor my sleep; and I may say we believe—we may be mistaken—but we who are subjects of the British Empire believe that the British Empire is the greatest democracy that ever existed; and if the great American Republic has reached a greater degree of democracy than we have, I do not know whether you are to be congratulated or to be condoled with. But I sometimes think that there are too many people in our country who have something to say about the government of that country.

And speaking about our kings and queens and those who meet them, I am reminded of the Earl of Chesterfield being

invited to a dinner given by the Spanish Ambassador in London, where he met the Ambassadors of Spain and of France, as well as the Ambassadors of other countries. The Spanish Ambassador, who gave the dinner, after they had eaten well and drunk fairly well, rose and proposed the toast of "the King of Spain" and compared him to the sun. The French Ambassador followed, drank a toast to the King of France and compared him to the moon. The Earl of Chesterfield then rose, drank ostensibly to a toast to the health of the King of England; and he said, "As the King of Spain has been compared to the sun, and the King of France has been compared to the moon, I cannot compare the King of England to a lesser star; I will therefore ask you to drink a toast to Joshua, the man who stopped the sun in his course and stayed the moon."

And so, as in your country, you have had great legislators, so in the British Empire we have had great legislators — men who were devoted to the people as intensely as any man in this country could be devoted to the welfare of the whole people. And in speaking of the members of the New York State Bar Association, I am addressing men who have a wonderful influence, not only in the cities in which they practice and live, but throughout the reaches of this great Republic. Sometimes it has been said that lawyers occupy a too great and too conspicuous position in the legislatures of the country to which they belong. But a lawyer's training necessarily places him in such a position that he is likely to be thrown into public life; and his training teaches him when he is in public life to deal perhaps more usefully than any layman, except the Governor of Pennsylvania, with public questions. Our training is varied. In our Associations we have men who move in all circles — social circles, political circles, circles of all kinds — and so in these Associations a vast amount of information is acquired and retained; and I believe the members of the New York State Bar Association are men who are largely influenced not so much by what they can get from their clients as by their desire to be useful citizens of the country in which they are proud to have been born.

I therefore come as the representative from Canada to-night to bring the greetings of the Canadian Bar Association, and to say that there is no way in which these two countries can be-

come so intimately acquainted with each other as by the intercourse which is formed in such Associations, and at such gatherings as we have here to-night. And the information which these Associations and their members can give to the people of the country as to the aspirations and aims of the countries, our common heritage and our future aspirations, should teach us to draw closer and closer together. And the more we know of each other the more we will ascertain we have interests in common. Therefore, on behalf of the Canadian Bar Association I wish to congratulate you upon the success of this wonderful gathering here to-night; upon the work you have done in the Association during the past few years, work, of course, that does not meet with the approval of every member of the Association, judging from what I heard yesterday and this morning; but there is no class of men who can lose more gracefully than lawyers, because it is their custom to lose. There is no class of men — I am quite sure, judging not only from the members of our own Association, but judging from the distinguished men whom I have had the honor of meeting here; there is no body of men that the people of this great country would rather trust their lives, their liberty and their property with, than with the members of the several State Bar Associations throughout this great Republic.

The President:

In these days that have fallen upon us, we in the States are coming to look more and more with fond hopes to our neighbor to the north; and I trust that as the years go by, and as those hopes become more acute, that they will be realized in as full measure as they have been realized to-night.

The real reason for the balloon flight to the Canadian wilderness may not have been solely for purposes of observation; it may not have been observed by every one; and yet I think the reasons are obvious for improving as speedily as possible the methods of quick locomotion between New York and Canada.

The recent election renewed the confidence in some of us in popular institutions, but there was one experience in the State of New York which gave solid reasons for the renewed confidence of every one in the future of our democratic institu-

tions; and that was the demonstration that a man in public life could have the courage of his convictions and the stamina to stand by them, and for that reason alone could command the support and the confidence of his constituents.

The triumphant election of the next speaker was in my judgment one of the most salutary things that could possibly have happened as a demonstration of the fact that it is not necessary always in public life to command public support to yield to every passing whim of fancy. And I have the greatest pleasure and the distinguished honor of introducing to you the senior Senator from this State, the Honorable James W. Wadsworth.

Honorable James W. Wadsworth, Jr.:

Governor Miller, Governor Sproul, ex-Governors, Judges and Lawyers: I appear here with due humility as a layman. I think this is the largest number of lawyers I have ever confronted. However, I am not entirely unaccustomed to associating with them because some of my colleagues in the Senate tell me they are lawyers.

I have been immensely impressed at the sentiments uttered this evening. And my greatest regret is that I did not have an opportunity to slip into the back of the room this afternoon and hear the addresses of Governor Miller and Senator Sutherland, because as a layman, who is charged with some responsibility as a federal legislator, I know I could have derived much instruction from them.

The State of New York is fortunate in having as its Governor one of those men. I think I am not going far afield when I say that many, many people hope the United States will have the service of the other.

I have been much interested in the suggestions of the Governor of Pennsylvania, concerning State pride and responsibility. It has been rather a hobby with me for several years, and especially since I have been serving at Washington. There can be no doubt that slowly, but none the less surely, the habit is growing in this country of going to Washington for help of leaning on the Federal Government; and more and more the communities of the country—and I mean the States, too—are losing their sense of responsibility and are proceeding

upon the theory that if it is a little difficult for them to do things for themselves, it is easy for them to let some one else do it. It is refreshing to hear a governor of a great State call our attention to it, and to plead for a restoration of the State pride and State sense of responsibility.

Perhaps one of the best ways to get back with both feet upon the ground, and to re-establish conditions which will encourage our people, is to take the United States Government out of commercial business.

Not all the public understand, I fear, how far the government has traveled in that direction. Possibly many here know that the Federal government is running canal boats on the Erie Canal. It succeeded in losing a hundred thousand dollars last year. It is running barges on a river in the South. They figured on a heavy cargo down stream, but made no plans for bringing cargo upstream; so the government is losing money for us there too. A like condition is found on the Mississippi River. The Senate not long ago passed a bill which puts the Government of the United States in business as a manufacturer of commercial fertilizer. It may soon pass a bill establishing federal control over the entire livestock and meat industry of the United States. And the next suggestion to come before us is that the federal government shall take entire control over the coal industry of the nation. Following that we may go further with regulation of the steel industry and the clothing industry, and so forth. Finally, there will not be much left for the citizen to do. The government will do it for us — or to us!

It seems to me that a great Association of this sort can wield an immense influence in guiding the course of government, especially in its legislative branches, and can see to it that we adhere as closely as possible, within the bounds of reason, to those old, settled principles which have made us a happy people. And I say frankly that an association of this kind can do more than any other in helping the Ship of State along its course, and keeping it upon the course. As a legislator, I know I would be grateful for help and guidance.

Judge Miller has mentioned the defense of our institutions and said something about the ability of this Association to help defend them.

I am going to ask you to let me say a few words about one of the agencies of defence; one of the agencies upon which we must in times of stress rely for the defence of our institution, our property and our lives; and that is the Army of the United States.

We are still in the shadow of the Great Conflict; and no man is wise enough at this hour to say what the future may bring. But I hope the American people will understand that human nature remains much the same as it was prior to April 6, 1917; and I hope also that they will remember the immense burden of debt and sacrifice which came to this country because we as a people had done little or nothing to prepare ourselves in the matter of the national defence. The War is over, and of course it was the part of wisdom and common sense to demobilize the great army. It was done with rapidity.

We were devoted to the army, and very properly so, during the war. But now, many of us forget it, and the army gets some pretty hard treatment from certain people, thoughtless in their comments upon it, and in their attacks upon the vital agency for the defense of our institutions.

I touch upon this subject because such a movement is in progress to-day; and the question has been before the Congress. I hope I shall not tax your patience when I describe certain phases of the situation with respect to the Army of the United States at this time.

The new Army law provides that the regular army of the United States shall not exceed two hundred and eighty thousand men. The Act is not, in my view, mandatory upon the War Department to raise that number. However, an intensive recruiting campaign was started last spring with the result that there are to-day in the regular army approximately two hundred and thirty thousand enlisted men, and this number is growing rapidly. The condition of the Federal Treasury is such, that a large majority of the Congress believe that recruiting should cease and that no further burden should be placed in this way upon the taxpayers of the United States. The result was that about twenty minutes past twelve o'clock this morning, in the Senate, we secured the final passage of a resolution instructing the Secretary of

War to suspend recruiting until the army has been reduced to a hundred and seventy-five thousand enlisted men.

As you have doubtless noted in the press, a rather determined effort was made to reduce the army still further. Suggestions were made to reduce it to a hundred and fifty thousand. Other suggestions were made to reduce it to about a hundred thousand, and which incidentally is the figure fixed for the German army by the Versailles Treaty, with such an army she is considered by the makers of the Treaty to be utterly helpless. It will take approximately one year to reduce our army from two hundred and thirty thousand to one hundred and seventy-five thousand. The majority of the Senate believes it would be imprudent to reduce the army below one hundred and seventy-five thousand men, for the present.

On first thought this seems to be a large force; but it should be remembered that of that number forty-five thousand men are serving overseas in the Philippines, in the Hawaiian Islands, in Panama, Porto Rico, Alaska, and upon the Rhine for the time being.

Then, too, there must be deducted in this country the Coast Artillery, which should remain in the seacoast fortifications; the number we have for that arm of the service is not enough to give one crew for each sea-coast gun.

Again, there is the Quartermaster Corps and other non-combatant corps, and there must be taken into consideration the men who are detailed for duty in the service schools, with the National Guard, the R. O. T. C., and elsewhere. With all these deductions from an army aggregating a hundred and seventy-five thousand men, there would be left in Continental United States something like fifty-five thousand to sixty thousand men available as a mobile, combat force.

I think it cannot be denied by men and women who prize our institutions and the safety and good order of the Republic, and who understand something of the obligations which may be imposed upon us at any time, that such a force is not too great. My own judgment is that it would be exceedingly dangerous to reduce it to a lower figure.

Now as to the cost—it is bound up with the problem of taxation and concerns every man, woman and child in the country. To the great regret of many friends of the Service, the estimates sent in for the next fiscal year by the War Department reached the astounding figure of seven hundred million dollars; an amount of money which this Congress cannot appropriate in view of the present condition of the Treasury. Indeed, the money appropriated for the army for this year was only three hundred and ninety-two million dollars. It is, therefore, entirely clear that the Congress has not the slightest intention of appropriating anything like seven hundred million dollars for the army, and it is probable they will appropriate less than the three hundred and ninety-two millions provided for this year.

The cost of officers and enlisted men is not the only large item in the support of a military force, and especially ours. In looking ahead a little way I would like to make this observation:—The great task which confronts the next administration, the next Secretary of War and the War Department, is cutting down the overhead cost of maintaining the army. For as it is to-day but a small proportion of the money appropriated goes to the pay of the officers and men and their subsistence. Much of it goes to the maintenance of the great installations built by the War Department during the War. For example, the bases at Brooklyn, Philadelphia, Boston, Norfolk, Charleston and New Orleans, costing in the aggregate millions upon millions of dollars, stuffed to-day with supplies and guarded by soldiers and hired civilians. And the great inland storage depots, covering hundreds of acres, and the huge cantonments, standing empty, but costing untold hundreds of thousands every year.

What we must have in this next administration in order to permit the American people to maintain economically the weapon of national defense is business sense; a War Department which has a thorough knowledge of the value of a dollar and how a dollar is earned, and a determination to cut down the overhead cost rather than to strip the country in these troublous times of its first line of defense upon land. We could save millions in these items. It is the great task which confronts us.

We put into operation the principles of the new law which for the first time in the history of the country establishes a genuine military policy, and which is especially intended to train the citizen soldier as the real bulwark of defense—as time goes on we may lower the enlisted strength of the regular army.

But as to officers, let me beg you to remember that it takes years of study and training to make a good officer. We can well afford to maintain a regular army which may seem to be top-heavy in the number of officers; and that without trained officers the soldier cannot fight. We should never attempt to support in the United States a regular army large enough to defend the country in time of war of the first magnitude. To attempt to do so would threaten our institutions, and bankrupt our treasury. The real reliance must be, in the future, as in the past, upon the citizen who in time of emergency is summoned to the colors. The intent of the act now upon the statute books is not merely that the small regular army shall be highly efficient, but that it shall be brought into closer contact with the civilian population, to help train those who present themselves in a patriotic spirit, and who are willing to be trained for the defense of their country.

To my mind this last is the important function of the regular army. And so, to-day, three hundred and fifty schools and colleges and universities are establishing Reserve Officers Training Corps to which are detailed officers from the regular army as instructors.

To-day the National Guard is being rebuilt on a more healthy basis than ever before, and on lines of general policy which bring it into more intimate relation with the Federal Government, and make it a true part of the first line of defense. Officers of the regular force assist in training the Guard. So you see it all goes back to trained officers.

I do not come here bringing rumors of war, disturbances or trouble. But what man among us in 1913 dreamed that two million American soldiers would be in France fighting a European power in 1918? Can any man say this country will never be called on to defend itself again? Isn't it the best economy to see to it that, on democratic lines in accordance with the spirit of our institutions we keep ready to protect this precious land and people?

President Miller:

The next speaker, and I recently had a considerable discussion of a somewhat controversial character, without, I may say, any loss of respect on the part of either for the other. Indeed, the contest was such as considerably to increase my respect for my opponent. I may add that I found him not only a square fighter, but a good loser. And it gives me peculiar pleasure to present another distinguished layman to you, and to introduce to you Governor Smith.

Governor Smith:

Governor Miller, Governor Sproul, Brother-Exes, Judges, Brother-LLD's, I am surprised to hear Governor Sproul admit he is not one of them. Well, I know you can't collect on it.

But now that I have been initiated in the art of speech making before Bar Associations, I cheerfully accept your kind invitation to go to Bedford, Governor Sproul. Figures are always interesting, but they do not always tell the story. Governor Sproul said there were only three million people in the State of New York outside of the five big cities. If he had been in my headquarters on election night he would think there were thirty-five million.

Senator Wadsworth is an old friend of mine. It seems like only a few years ago we were "Jim" and "Al," but I think he has kind of forgotten me. He spoke of these great industries, of clothing, of coal and of steel, but he said nothing about horses and trucks. No, I do not expect the federal government will take them over; but I would like to have them talked about.

As a layman I appreciate it as a very great honor, and a very great distinction to be permitted to attend an annual dinner of the New York State Bar Association, not to speak of having the privilege and honor of addressing such a gathering. So I made up my mind to come with a serious thought to leave with the members of the Bar Association along a line of endeavor where they can accomplish something for the benefit of the State.

Before I speak of this I want to say I had no understanding with Judge Miller, I am not retained for this speech in the slightest degree and I do not speak having in mind the

relief of the Governor as much as I have in mind doing something for the State. And I think the Bar Association is the one organized group of men in this State that can do it. Governors never suggest it. Whether it is because they have the feeling that they do not care, upon entering office, to make the suggestion that they be relieved of any of their burdens, or not, I do not know. It did not occur to me. I was too busy doing my work, and that was probably the case with the other Governors. But I say, that the efficiency of the Governors demands that they direct their attention to important State affairs; and that efficiency is being interfered with very much by the many minor, petty clerical duties the Governor is called upon to perform.

It is a matter of growth. It started when the State did not have its present activity; when many things now done by the State were done by the counties, and there was a desire on the part of the legislature to find something for the Governor to do. But that condition does not obtain to-day, and if he were relieved of these petty clerical duties I refer to, he might have the time to sit down with business men in this State and work out a scheme whereby we could get some barges on this one hundred and sixty-five million dollar canal, by the channels of private initiative, and in that way crowd out the federal barges.

Now, it must appeal to the common sense of any man, and he must realize that it is a joke, to have the Governor acting as the janitor of the Capitol. Why he should be the Chairman of the Board of Trustees of public buildings I never could understand.

Let us see some of his duties. The State executes annually about two hundred and fifty or three hundred leases of property for State purposes, all over the State. It is true some of them are only gas-testing stations for the Public Service Commission at twenty dollars a month, but the Governor must personally sign his name to three copies of every one of the three hundred leases. And he must call in the other members of the Board to act with him, and one of the trustees for Governor Miller lives on the Canadian border and the other lives in Suffolk, so next August the man who has the contract for the removal of ashes from the power house

will come around for a renewal of his contract, and it will be necessary to call a meeting of the trustees and seriously consider who is to take away these ashes for another year.

If the superintendent of the building desires to paint a room in the State Capitol he can do it with men on his payroll, but if it costs more than one thousand dollars there must be a meeting of the Trustees, and the Governor must vote on who is to paint the room. You cannot buy carpet or get any furniture for the Capitol or any of the rooms there unless the Governor passes on the contract. Four old desks down in the cellar, worth about a dollar and a quarter apiece, ordered by the Fire Marshal to be taken out so as not to endanger the building from fire, and the superintendent of the building has to get the consent of the Trustees of Public Buildings in order to sell that six dollars worth of old furniture.

No man can come out of prison at the expiration of his minimum term until the Governor signs the paper. And mind you, there is the Attorney General on the same floor with him, with lots of deputies, with scarcely anything to do in comparison to the work assigned to the Governor, still, it is the Governor's signature which is to finally release them all.

Many years ago when we had only a few hospitals for the insane, some one thought it would be a good idea to have all plans for the improvement and betterment countersigned by the Governor. So, every once in a while the State Architect walks in with a couple of arms full of blueprints, and you have to sign a contract to put a new wing on the laundry of some State hospital.

Sixty-five thousand Notaries Public in the State of New York, and everyone applies to the Executive Chamber for his appointment. They certainly can be appointed by the county clerk—or the Attorney General could do that if it must be done by a State official.

Some years ago it was discovered that the railroads were having difficulty in making arrests along the line of their road. Their men lacked jurisdiction outside of the county in which they were appointed, so the Railroad Law was amended and provides that railroad policemen are appointed

by the Governor. So every now and then some secretary walks in with a bundle that looks like the load of thirty-day bills from the Legislature at the close of the Session, and the Governor must sign all those appointments as railroad policemen. That might be given to the State Chief of Police or his deputy or the Attorney General.

In case of strike and riot, and in case of strike and riot only—under no other circumstances—if the strike or riot occurs within the limits of an incorporated city, the Governor becomes the Chief of Police because the State constabulary cannot go in there without his consent. Well, we had a hatters' strike in a small town on the Hudson, and the mayor asked me to send some police. He said he wanted the police there in the morning—he had roused me out of bed by telephone—and so I woke up the Chief of Police and told him to be there with the police. I just got back to bed and the phone rang again, and I went to the phone and the Commissioner of Public Safety, who under our commission form of government, is elected as the mayor is, he called me up at three o'clock and begged me not to send the police on the theory that they might incite the mob to further trouble. They had best keep out. So, I woke the Chief again and explained the new angle. I said, "I do not know which is right in this, the mayor or the Commissioner of Public Safety, but I think we had better be on the safe side. You send six men there in plain clothes, and the mayor won't know they are there, and the Commissioner of Public Safety won't know they are there, and if everything is all right, we are all right; and if it is not, we are all right anyway."

Now, I will not take it upon myself to say what particular official should direct that police force, but I will say this: that the chief of the state police at the present time, Major Chanler, is as competent an official in that line as you can find in this country, and I am unable to understand why he should not be wakened up at night, without waking the Governor up with him.

Now, this question of pardons and restorations to citizenship, and commutations of sentence, I do not think I have to dwell on that for a moment. I believe every man who has been in Albany must realize that duty must be taken from

the Governor. It is not fair to him or to the State to place that burden on him. In the first place the Governor is charged by the Constitution with the duty—I take it as a duty—to listen to the pleas of the men in prison. Some of them should be out. District attorneys and judges throughout the State constantly recommend that they be let out in the light of some new happening following their trial; and the Governor must ponder and give thought to that. Then as to the death sentences—my, it is an ordeal! Nineteen men were electrocuted during my term in the Executive Chamber, and I came near going with them every time. It is hard. It is not fair to the Governor.

The big problems a Governor has to think about, that affect all the people of this State, the questions of policy in dealing with our institutions, and what to do with the Canal, and what to do with Good Roads and the Adirondacks, these are things which the Governor finds he has never had time to sit down and think about or to give them the consideration that their importance to our State life calls for. And he finds that time has been occupied during his term with the things I have been enumerating.

Then the thirty-day bills. In the closing days of the legislative session the Legislature sent me eight hundred and sixty-five bills to dispose of in thirty days; and four hundred of them did not come down until twelve days of the thirty days had passed; as they said the clerks at the desk could not enter them up fast enough. I had to call on the State Bar Association. I heard Judge Miller was in Albany. I knew he was president of the State Bar Association, and I called him on the phone and asked him if he would kindly come to the Executive Chamber. One night about eight-thirty he came to see me. He took a big load off my shoulders. I did up a large size package of those bills, they were all amendments of the Code of Civil Procedure, and I said to him, "Judge, will you take these to the Bar Association and see what they think about them? If you do not do it I am likely to veto them all, to be on the safe side."

And I am grateful to the Bar Association and to Governor Miller for his assistance in helping me with the thirty-day bills.

Now, that is a matter which can be regulated by some rule that will make unnecessary, after a given period, the passage of purely local bills. In the thirty-day period the Governor should have the large proposals which affect the people of the State, and he should not be called upon to pass a claim bill for a fellow that got shot in the Buffalo strike in 1892.

I reiterate what I said at the opening of my speech. I believe in talking up that program; appointing a committee of the Bar Association to carry it out; and if the Bar Association Committee does that, they will have performed a signal service for the State of New York, the benefit of which will be reflected in the greater efficiency of your Executive.

Charles Thaddeus Terry, of New York:

Mr. President.

The President:

Mr. Terry.

Mr. Terry:

The State Bar Association has always been an association for doing things. However pleasantly and jokingly suggested, the point which has been made by your predecessor is one which appeals to the Association, and I move you: That the President of the Association appoint a Committee of five to consider the questions which he has submitted here, and to propose remedies for the action of the Association.

A. T. Clearwater, of Kingston:

I second the motion.

The President:

The question is before the Association for the adoption of the motion. As many as are in favor will signify by saying aye. Contrary minded, no.

It is unanimously carried.

The President:

I am very glad that my predecessor is more persuasive than the members of the Association are at our meetings, because it has taken us all day, Governor (turning to Governor Smith),

after very heated debate to arrive at certain conclusions while we have been able now summarily to dispose of an important subject after your exposition of the high duties which the executive of the State now performs.

I am glad that you were assured that Governor Smith had no retainer from me this evening to present this case; and I am very glad that it has impressed you as it has, because I may say that in the few weeks I have been in the Executive Chamber, a large part of my time has been taken in signing the various documents of the class to which Governor Smith referred, and as to which I informed myself, of course, even to their remote details.

I congratulate the Association upon the fact that it is now to have a real President. I accepted the office one year ago upon the assurance that our very competent Secretary would perform both his own duties and those of the President. I expected at that time to give him some assistance, but for the latter part of the year at least, circumstances over which I had little control made it impossible for me to be anything but a perfunctory President. And I am very glad that the Association is now to have a President who is not only a distinguished member of the Bar, but a gentleman of great learning and industry, who will make the office what it should be, and under whose leadership I am sure the influence of this Association will steadily increase.

Mr. Guthrie.

I now have honor of turning the gavel over to my successor,
William D. Guthrie, of New York:

Gentlemen of the State Bar Association.—It would be difficult for me to express how highly I value the honor of having been elected President of the New York State Bar Association. I hope that I shall be able to render useful service in the office, not only to the Association and the profession, but towards promoting some public good, which latter after all is the great field to-day of professional duty and service.

This Annual Meeting has a meaning quite its own, and it is fitting that it should be emphasized. The particular meaning and the distinct lesson of the occasion arise from the fact that the President of the Association has been elected Governor of the State, and that he has eloquently and stirringly

declared in the call for this Annual Meeting that, without the patriotic and disinterested support and co-operation of the profession, the difficulties before the executive and legislative departments of the state government at the present time would be calculated to discourage the most steadfast.

The glory of the American Bar lies in its public service. The principal fame of the profession with us has always been and is now the result of service to nation, state, and municipality. From Alexander Hamilton to Elihu Root the distinction and prestige of our greatest lawyers and their most fruitful and enduring work have been in the public service as statesmen rather than as jurists, except where they have served as Judges. Indeed, throughout the history of our profession on this whole Continent, for it is pre-eminently as true of Canada as it is of the United States, the Bar has ever been the training school for statesmen, and lawyers have ever been ready at the call of public service to abandon the advantages of the profession in order to devote their talents ungrudgingly and unselfishly to the public service.

The New York Bar has a long and splendid record from the days of the Revolution to our own times. I have witnessed leader after leader abandon lucrative professional employment to accept the responsibility, the drudgery and the frequent discouragements and disappointments of public office. Root, Hughes and Wickersham among the living are the names we proudly recall at the moment, putting aside the certainty of fortune at the very height of reputation, after years of preparatory study, labor and training, in an age when fortune is so necessary for peace of mind, comfort and independence for self and family—patriotically putting all aside in order to serve the State and nation.

And now, we have Nathan L. Miller, exceptionally able and talented as a lawyer, abandoning the most remunerative of professional opportunities, with a fortune readily within his grasp, deliberately letting pass the opportunities now before him at the Bar, in order that he may serve the people of the State of New York, because he believes that a great crisis in governmental affairs has summoned him to service, and finely and nobly giving without stint or economy of all that is in him to the great patriotic and noble task of government—the master-science of the human mind.

This is truly as it should be, and long may that high spirit and gospel of unselfish public service inspire and stimulate our great profession.

I hope at some future time, when your leisure and your patience could better indulge me, that I may be permitted to attempt a review of the special training and qualification of lawyers for competent and constructive public service and statesmanship — for what Judge Hughes in his eloquent address before us in January, 1916, characterized as public service by experts. And I would like to trace the conspicuous influence and impress of lawyer-statesmen in the public service of all Anglo-Saxon countries and peoples. But the late hour forbids any such attractive disquisition to-night.

In thus exalting and glorifying our profession, I am not at all unmindful of the presence with us or of the great services of three distinguished statesmen who are not lawyers by profession — Governor Sproul, Governor Smith and Senator Wadsworth. I know, however, of no better training in the science of the law, — no better source from which to imbibe the fundamental and vivifying principles and spirit of our jurisprudence than the legislative, law-making experience of these efficient and broad-minded public servants — the first for twenty-two years in the Legislature of Pennsylvania, the second for twenty-five in public service, and the third, Senator Wadsworth, with six years in our Assembly, where he was Speaker, an exceptionally effective and constructive in public service in the United States Senate during the past six years.

What better training could there be in the science of the law than service in actual law-making? Indeed, I have no doubt that these statesmen could now readily pass any bar examination, if they saw fit to undergo the test.

In conclusion, Governor Miller, I want on behalf of the members of the Association to pledge you their full support in the work upon which you have courageously entered, and to say that they will follow wherever you may lead in the great public service of compelling economies in public expenditures, so much needed at the present time by the people of the State of New York, and in fact all over the United States.

Governor Miller:

That concludes the Annual Meeting.

**REPORT OF THE SPECIAL MEETING OF THE NEW
YORK STATE BAR ASSOCIATION, HELD IN THE
AUDITORIUM OF THE ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK, NEW YORK CITY,
AT 2 P. M., ON FRIDAY, MAY 14, 1920**

REPORT OF THE SPECIAL MEETING OF THE NEW
YORK STATE BAR ASSOCIATION, HELD IN
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THE BAR OF THE CITY OF NEW YORK, NEW
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1920

PROCEEDINGS

The Association met in the Auditorium of the Association of the Bar of the City of New York, 42 West 44th St., New York City, on Friday afternoon, May 14th, 1920, at 2 o'clock, pursuant to a call of the Secretary, issued upon the request of the President, for the purpose of considering what action the Association should take before Governor Smith in respect of the bills prepared by the Joint Legislative Committee, and passed by the Legislature constituting the new civil practice acts and the bill providing for the Convention of Judges and Lawyers to formulate and adopt rules of practice in accordance with, and to accompany the bills relating to the civil practice acts, above referred to, prepared by the Joint Legislative Committee.

The meeting was called to order by the President, Hon. Nathan L. Miller.

The Secretary read the request for the calling of and the call for the special meeting.

William D. Guthrie, of New York, Chairman of the Executive Committee, presented the following report:

REPORT OF EXECUTIVE COMMITTEE

To the Members of the New York State Bar Association:

I. The necessity for reform and simplification of our system of procedure in civil cases has long and generally been recognized among the members of the Association, and for several years past the subject has been exhaustively studied and reported upon by special committees. The Board of Statutory Consolidation and a Joint Legislative Committee have devoted years of work to this project. The Legislature at its recent session passed the group of bills prepared by the Joint Legislative Committee, and among other measures those providing for (1) a new civil practice act and (2) a convention

of the judiciary and the bar to consider and adopt rules of practice. The group of bills of the Joint Legislative Committee are now before the Governor for his approval or veto, and this special meeting of the Association has been called because the Governor has requested the President to advise him as to the judgment of the Association in respect of such bills. The bills have been examined by the chairman of your committee, and particularly the two above mentioned.

II. Your Executive Committee deems it proper to recall and emphasize at the outset that active work on the revision of civil practice procedure in this State, which has finally culminated in the present bills, may truly be said to date back to the work of a Joint Committee of the Legislature of 1900, and that during all this period the subject and various plans relating thereto have been constantly before the bar of the State for study and discussion. The Board of Statutory Consolidation presented its report to the Legislature in 1915, recommending a short or skeleton practice act which was to be supplemented by court rules, but the project did not meet the approval of the Legislature. A Joint Legislative Committee was thereupon created and charged with the duty of investigating and studying the whole subject of civil procedure in all its aspects. This Legislative Committee has been functioning for practically five years, and the fruits of its labors are the bills passed by the Legislature and now before the Governor.

In 1914 the Association appointed a committee to examine the short practice act prepared by the Board of Statutory Consolidation above mentioned, and this special committee was continued, and has investigated and studied the various plans for procedural reform submitted from time to time. It presented reports to the Association at the annual meeting in 1915, 1916, 1917, 1918, 1919 and 1920. An immense amount of labor was done by this committee, and the most careful and discriminating consideration given to every measure and amendment. Mr. Henry W. Taft was chairman of the Committee for four years from 1916 to 1919, and until he was elected President of the Association, and he was succeeded in 1919 as chairman of the special committee by Judge Clearwater, ex-President of the Association, who is still serving in that capacity.

The six annual reports of the committee and the accompanying remarks of the chairman show the care, thoroughness and scholarship, which they devoted to the subject and the various proposals.

III. Three recent reports of this special committee should be briefly mentioned, for they dealt with the proposals and recommendations, not only of the Joint Legislative Committee, but of the Board of Statutory Consolidation. The first of these recent reports, which was submitted to the Association in January, 1918, declared that the plan of a short practice act proposed by the Board of Statutory Consolidation seemed to be a more thorough and scientific reform, but it also recognized that the Joint Legislative Committee had done admirable work, and then stated among other things as follows:

*"Furthermore, in view of the indubitable advance toward a simplified practice which would be accomplished if the plan of the Joint Committee were adopted, we do not feel that this Association should range itself among those opposing it. * * * The report of the Board of Statutory Consolidation has not received the approval of the legislature, and it seems reasonably certain that, without important modifications, it never will. * * * A majority of the Committee believes that the adoption of the plan of the Board, however modified, could not be secured for many years, and that we should bend our efforts to secure within the next two years the substantial reforms embodied in the Joint Committee's plan, and particularly since, if that is done, it may be easier at some future time to secure a form and arrangement of the new provisions more nearly in accord with that devised by the Joint Board."*

The second report submitted in January, 1919, after further study and consideration, quoted and adhered to the above views, advised the Association of the situation as it had then developed, and postponed any further report concerning the whole subject of procedural reform until the annual meeting in January, 1920.

The third report, submitted at the annual meeting last January, again ably reviewed the subject, quoted at length

from the explanatory report to the Legislature of the Joint Legislative Committee under date of April 17, 1919, discussed the subject in various aspects, showed the difficulty of reconciling the views of even those earnestly favoring the reform, and recommended that the Association adopt a resolution suggesting to the Legislature that it pass an act providing for a convention of judges and lawyers to formulate general rules to govern practice in civil proceedings in the courts of this State. This report was approved by the Association.

IV. Your Executive Committee is of opinion that, notwithstanding the appointment in 1914 of a special committee to examine the practice act, which had been prepared and submitted by the Board of Statutory Consolidation, but which then differed and still differs radically from the practice act drafted by the Joint Legislative Committee and passed by the recent Legislature, it is properly incumbent upon it, and therefore its duty to submit its views and recommendations upon the most important subject of procedural reform, which vitally affects the due and satisfactory administration of justice in our State.

The bar and bench alone can bring competent service, expert knowledge and practical experience in aid of a wise and provident solution of this great and momentous question of reform in the law of procedure. The profession owes a special duty to the community to afford that aid in the fullest measure of its ability and power. It would, indeed, be a reproach to the profession if after so many years of effort nothing were now to be accomplished, either because of differences of opinion as to means towards an imperatively needed reform, or as to what might be regarded a more scientific method, or because of indifference on the part of members of the bar or disinclination to take up the study of any new system, however much an improvement on the existing procedure. The determining factor should be whether the proposed practice act would or would not be an improvement on the present Code.

Few legislative measures are ever perfect and practical legislation is seldom completely logical and scientific. The plan of the Board of Statutory Consolidation may, indeed,

be more radical and more scientific as its advocates urge, but it has been before the Legislature for six sessions and without being approved, and the special committee reported its opinion in 1918 and again in 1919, that "it seems reasonably certain that, without important modifications, it never will be." In this view your Executive Committee concurs.

The new Civil Practice Act contains 1,540 sections as against 2,732 of the present Code of Civil Procedure, and its arrangement and language are a distinct improvement on the existing arrangement and language. Indisputably, as it seems to your Executive Committee, it simplifies and clarifies the Code, and it will simplify our procedure. Not only will our civil practice thereunder be greatly simplified, but it will be rendered more certain, prompt and economical, without abolishing familiar forms and methods of procedure.

The proposed new Civil Practice Act is not to go into force and effect until April 15, 1921, and hence ample opportunity will be afforded for correction of any discovered defects. So also as to the rules to be formulated by the proposed convention; they too are not to go into effect until April 15, 1921.

A special committee of the Association of the Bar of the City of New York and its Committee on the Amendment of the Law have approved the new Civil Practice Act after a very thorough, exhaustive and discriminating study, and that Association at a special meeting held on April 6th, duly confirmed such approval.

Your Executive Committee is of opinion that the merits of the bills now before the Governor justified their passage by the Legislature, and it, therefore, recommends that they be approved by the Association as tending to promote simplification, expedition and economy in the administration of justice in the courts of the State of New York.

All of which is respectfully submitted for the consideration of the Association.

New York, May 14, 1920.

By order of the Executive Committee.

WILLIAM D. GUTHRIE,
Chairman.

FREDERICK E. WADHAMS,
Secretary.

Mr. Guthrie then presented the following resolutions:

Resolved, That the report of the Executive Committee, dated May 14, 1920, be approved, and that the President be authorized and requested to advise Governor Smith that in the judgment of this Association the group of bills, referred to in the report of the Executive Committee, drafted and introduced by the Joint Legislative Committee constitutes an improvement on the present system of procedure under the Code of Civil Procedure, and that their approval by him will tend to promote simplification, expedition and economy in the administration of justice in the courts of the State of New York.

Resolved, Further, That the Special Committee on the Practice Act be continued and directed to examine the said bills and report to the Association any amendments they may deem advisable, with power to confer with other Bar Associations.

A. T. Clearwater, of Kingston, Chairman of the Committee to Examine the Practice Act, prepared by the Board of Statutory Consolidation, presented the following report:

REPORT OF THE COMMITTEE TO EXAMINE THE PRACTICE ACT PREPARED BY THE BOARD OF STATUTORY CONSOLIDATION

Mr. President and Members of the Association:

The Special Committee to examine the practice Act following the instructions of the Association, caused to be introduced in the Legislature this bill:

(Reading printed bill, introduced by Mr. Whitely, April 7, 1920, No. 1857.)

It was hoped that this Act would receive the approval of the Legislature and afford, as it were, a clearing house in which the report of the Board of Statutory Consolidation, and that of the Joint Legislative Committee, carefully could be considered, and might result in a solution of this vexed and important question of the simplification of the practice.

As was stated in the report of the Committee in January, 1920, the Joint Legislative Committee was in the saddle. The

Chairman of that Committee was in a position to dominate Legislative action. Naturally, he and his colleagues had the pride of paternity, and were in a position to put through — as they did — the report of the Joint Legislative Committee, and to shelve, as they did, the recommendation of this Association for the creation of this Convention. The result was that the bill failed of passage, all the bills recommended by the Joint Legislative Committee were passed, and are in the hands of the Governor.

As I stated in January, in presenting the unanimous view of the Special Committee, we were as the Association had been, decidedly in favor of the simplification recommended by the Board of Statutory Consolidation. We regard it as presenting a more flexible, more scientific method, and hoped that it would be approved by such a convention as was recommended. That is not to be. Personally, I am satisfied that the majority of the profession in this State are unwilling that the Judges should formulate rules of procedure. I regard their hostility to that method as ill-founded, because I do not believe that the Judges of this or of any other commonwealth, would formulate or enforce rules of procedure which would militate against the administration of justice.

We come, therefore, to the question whether we shall insist upon the attainment of an ideal, or shall accept what the Legislature has offered, and we now have an opportunity to adopt. Beyond any question the method recommended by the Joint Legislative Committee now before the Governor is a vast improvement upon the present Code of Civil Procedure. It does retain, as the members of this Committee think, many unnecessary technicalities. It has been suggested in letters which I have received, that it might be approved and, if not satisfactory, it could be repealed. I do not approve of that at all. If it becomes law it should be given a thorough and fair trial, without preconceived notion of repealing it. It can be improved. There will be opportunity for that as it does not go into effect until 1921. If the members of the bar only would devote their attention to it, criticise and analyse it, compare it with the present Code, and suggest necessary amendments, they would be doing a great deal for the advancement, not only of the simplification of procedure, but for the improvement of the administration of justice.

Therefore it is that, treating the situation as a condition — not as an aspiration — it has seemed to this Committee that it is best it should unite in the recommendation that the Association advise the Governor to sign these bills.

I do not know how many of you have taken the trouble to read the bills. Judging from past experience as Chairman of the Committee on Law Reform, and as Chairman of this Special Committee, I should say that the percentage of members who carefully have scrutinized the bills was comparatively insignificant. The difficulty with the bar is, that it is so absorbed in the affairs of its clients and in its individual affairs, that it leaves to a comparatively small number of the members of the profession the duty — I cannot say the honor — of making these examinations and recommendations.

Thus it is, Mr. President, that on behalf of the Special Committee, I second the motion made by the Chairman of the Executive Committee.

Adolph J. Rodenbeck, of Rochester, then addressed the Association as follows:

I am not in accord with the recommendations made by the executive committee, nor with the reversal of form on the part of the special committee, but I adhere to the position which this association has taken during the last twenty years in favor of a regulation of the details of practice in the courts by rules of courts. I have very decided views on the subject and I think I may fairly say that there is no man in this room who has given this subject so much earnest attention and so much of his time voluntarily, with the exception of a short period of about a year or a year and a half when the first report of the board of statutory consolidation was prepared.

It may aid you, as a sort of back-ground for the discussion, to know something briefly of the history, as I know it, of the efforts in this state for the reform of procedure. It has been a crying necessity ever since the adoption of our code of civil procedure, and it may be that those who are older than I am will recall how that code was foisted on the people of this state by the ill-considered action of the legislature encouraged by some members of the bar. It is a fact that we have been struggling ever since 1876 and since 1880, when the code was supplemented with some additional chapters, with a highly

technical practice act, which has been decidedly opposed to the interests of the litigants in this state.

My active concern with this matter goes back twenty years, to the joint committee of the legislature referred to by the chairman of the executive committee. I was the chairman of that joint committee of the legislature. And at that time there were pending before the people of this state a proposed revision of the code of civil procedure. I say before the people of this State because what we are doing in the direction of a revision of the practice is not for the bar, it is not for the courts, but is for the people of the state, those who have occasion to resort to the courts for the redress of wrongs or for the enforcement of rights. That committee had before it the bills of the statutory revision commission, which had existed for a number of years, and which, so far as the consolidation of the statutes is concerned, did some excellent work, work which was ultimately concluded by the board of statutory consolidation. But that commission had, pursuant to legislative authority, prepared a revision of the code of civil procedure, and the commission, instead of making changes in the practice, simply proposed a sort of re-arrangement of the code. It was condemned, or rather it was not approved and the joint committee of the legislature, of which I was a member, had the duty of going over the bills of the statutory revision commission, and particularly the revision of the code of civil procedure. We gave the matter a great deal of attention and consideration. We did not go into the subject of the revision of the code with any great detail, but we reported a plan for the revision of the code at that time, which consisted of the removal of substantive law, upon which I think we are nearly all agreed, the revision of the practice, after consultation with the bench and bar, and the enactment of a short legislative practice act. My notions of a practice act at that time were quite different from the notions which I now entertain. My work as a member of that committee ceased when I ceased to be a member of the legislature.

In 1904 the board of statutory consolidation was created. It consisted at that time of Mr. Milburn, Judge Landon, Mr. Moot, Judge Hornblower and myself. Under the statute which created the board, we were authorized to consolidate not only the substantive statutes of the state, but to revise

the practice, and, in order to make the consolidated laws complete, it was necessary to go over the code of civil procedure. And, at that time, as early as 1906, there was a re-arrangement prepared under the supervision of the board of the code of civil procedure. A few copies were published and it is not generally known that at that time there was a volume issued by the board which contained merely a re-arrangement, without revision of the code of civil procedure. The board however soon found that it was impossible to carry on the work of the revision of practice at the same time with the consolidation of the statutes and it therefore gave its attention in the beginning to the matter of the consolidation of the statutes, and, as you know, those statutes were reported to the legislature in 1909, and they were adopted. All this time the board had in mind, however, the subject of the revision of practice, and in 1912, an act was passed by the legislature authorizing the board to present to the legislature a detailed plan for the revision of the practice. That detailed plan was presented the following year. It was a plan based on the idea of regulating the details of practice by court rules, and the report which the board presented on this subject in 1915 was in exact accordance with the plan which had been laid down by the legislature in 1913 and provided for a short practice act, which would control the substantial, important and fundamental matters of procedure, and for the regulation of the details of practice by rules of court. So that the report of the board of statutory consolidation on the simplification of the practice, which was before the legislature in 1920, is a report which the legislature had specifically authorized, and more than that is in accordance with the views expressed by this association.

I forgot to mention that when I was a member of the joint committee of the legislature I sought to get the views of the bar associations of the state, and to get their approval of the general plan formulated by the committee. I had no difficulty in securing approval. It was a matter of surprise to me to see how readily the bar associations would fall in with whatever the joint committee wanted. This association, which you represent, approved of it, with the exception however — and it was the only association in this state that made that

exception — that it preferred the regulation of the details of practice by rules of court.

Well, the board proceeded to prepare its report on the revision of the practice, and let me say here, that this report which is before the legislature is the best thought and effort that the board could put forth. It was an original effort in 1915, based upon nothing in the state to start with except the code of civil procedure. The bulk of that report was drawn by myself, under the supervision of the members of the board, and Mr. Milburn and Mr. Hornblower and Mr. Moot passed many a day in this very room, going over drafts of sections and rules, the removal of substantive statutes from the code and other matters connected with the work. It is the work of the men who from time to time have represented this association on the board, and it is not the work of any clerks who might have been employed. The work was done at a very modest expenditure to the State. This report was presented to the legislature in 1915 and at my suggestion a joint committee of the legislature was appointed. I realized, having been a member of the legislature, that there would be no opportunity of getting any action from that body without having a committee to examine the report. I realized from the start that the committee appointed was not acting with the board of statutory consolidation. It proceeded, almost from the start, along independent lines. I think that if the joint committee had acted with the board of statutory consolidation, all of the members of which are members of this association, and members of the committee of this association known as the committee on the revision of civil practice, a far different result might have been worked out and a revision secured which, in my judgment, would have been more in the interest of litigants and the people of this State. I shall endeavor to satisfy you in a moment that the bills carrying out the report of the legislative committee, which has been approved by the executive committee, are not in the interest of litigants.

You know the history of the joint committee of the legislature. They have worked industriously. They have done the best that they could, no doubt, but they had the report of the board to start with. They had a code which had been marked, showing the distribution of every line in it. The joint com-

mittee started out with information as to the disposition by the board of every line in the code. The joint committee of the legislature has now made its report, and the bills carrying out that report are now before this association and before the bar, and the bench for final action.

I should say in passing that we made an effort at the last session of the legislature, to get the legislature to adopt a convention bill for the purpose of submitting to a convention both of these reports. That seemed to me to be a perfectly reasonable proposition, but it did not appeal to the joint committee of the legislature. Not only were the bills carrying out the plan of the board not reported out of committee, but the convention bill which was submitted by the special committee of this association was forced to slumber in the committee of the senate and the bills carrying out the plan of the joint committee alone were reported out, with a convention bill which authorized the convention to prepare rules of court to accompany the civil practice act prepared by the joint committee of the legislature.

Now, I think that the action of the joint committee of the legislature was unfair under the circumstances. Here were two reports before the legislature, one of which was prepared pursuant to directions as to details by the legislature, and the other pursuant to a general authority of the legislature without directions as to the details of the revision. It seems to me to be an unfair proposition that the original work of the board of statutory consolidation should be shunted to one side, and that the bills carrying out the report of the legislative committee should be passed. I do not see how this association can stand for a proposition like that. Why can we not delay one year more and have these reports passed upon by a convention of the bench and bar, and fight it out before such a convention to a finish.

We now come to the substance of the resolution which is before this association, namely, whether or not these bills which the executive committee has approved are bills in the interest of the public. I mean by that, in the interest of those who have occasion to resort to the courts. That in the last analysis is the question that you have to confront. It is not a question whether the bar wants the bills. It is a question

whether or not the litigants of the State want them. I have had experience, wider, I think, than most of the members of this association have had, with a practice under rules of court, and I am satisfied that these bills are not in the interest of litigants, and I will proceed to state why I think they are not in the interest of litigants.

In the first place, they preserve the present statutory practice which is necessarily a technical practice. For forty years we have been struggling with that practice. The courts have been getting away from it and the bar has been getting away from it, but still there it is with all its technicalities. And it is technical because it is statutory. When you have a statutory practice you have so-called procedural rights, and when it is necessary counsel will take advantage of those procedural rights. So I say that this civil practice act of the legislative committee is a code and not a practice act at all, for a "Practice Act" does not apply to an instrument of 1560 sections.

I want to make a comparison now between the practice provisions as contained in the bills before the governor and the practice provisions in the report of the board. I realize that the report of the board is not before this association and I do not propose to refer to it except by way of comparison. There are in the report of the board a practice act of 42 sections and 316 court rules. The revision of the legislative committee consists of a practice act of 1,560 sections and 216 rules. It is not fair, however, to compare the practice act of the board with its 42 sections with the practice act of the committee with its 1,560 sections. The committee has in its practice act certain matters that the board has placed in independent statutes. I do not think that it makes much difference what course is pursued in this respect, although personally I prefer to place the matters in independent statutes. The board has independent statutes such as the statute of limitations, the statute on evidence, the statute on costs and the statute on remedial rights, which includes certain rights and remedies of a substantive character. Taking the provisions that the board has in those independent statutes, the board has what might be called for purposes of comparison practice statutes to the number of 511 sections, as against 1,560 sections in the legislative committee's act. As I have stated the board's plan contains 316 rules as against 216 rules of the

legislative committee's plan. There are in all 827 provisions, sections and rules in the report of the board by way of comparison, as against 1,776 sections and rules in the bills before the Governor. The particular point that I am now urging is that in these bills you have a legislative civil practice act of 1,560 sections regulating details of practice or in other words merely a shorter code. Of course, there are mixed in with the practice provisions some substantive provisions that I will refer to in a moment. So that, as against 2,844 provisions in the code of civil procedure and in the present court rules, there are 1,776 sections and rules in the bills before the governor and 827 sections and rules in the report of the board of statutory consolidation, not counting provisions assigned to the consolidated laws.

Now, I say that this practice is a technical practice. If it is not technical, if it does not confer procedural rights, there must be a great many useless provisions in it. It would be interesting to go through the act of the legislative committee and see how many provisions there are that provide what the courts "may" do, and how many there are that provide what they "must" or "shall" do. In my judgment, where the act provides what the courts "may" do, the provisions in most cases might just as well be omitted. As illustrating the retention of technical provisions, you have in the code of civil procedure on the subject of special proceedings, for instance, 142 sections; in the bills before the governor, 165 sections; while in the report of the board there are only 51 statutory provisions. This illustrates how the board has reduced the number of statutory provisions in the practice by cutting away a lot of the technical provisions that now exist in the code of civil procedure, and which are retained in the bills before the governor. With reference to special actions there are in the present code 334 sections, and in the bills before the governor there are 318 sections, while in the report of the board there are only 216 sections. These illustrations take into consideration the distribution by the committee and by the board of substantive provisions to consolidated laws. The committee has retained in its civil practice act nearly all of the matters relating to special actions, and has combined in that act the substantive provisions with the special practice relating to those particular subjects. The rule of

the board on this subject was to remove the substantive matter to appropriate consolidated laws, and then let the procedure in the special actions take the course of actions generally without special or technical practice provisions relating thereto except where absolutely necessary because of some peculiarity of the action.

Sometimes we hear it said that we are getting along pretty well with our code, and sometimes the argument that the code is technical is met by the statement "Oh, you can get your case tried as fast as you want to." Well, if a man who practiced in this state twenty years ago were to come back now and listen to the trial of an important case in equity, or before a jury, he would be astounded at the way trials are conducted under the code as compared with the way that they were tried twenty years ago. The bench has liberalized the practice. You go into special term up-state. I don't know how it is down here in the city, but you go into special term up-state, and the court won't listen to your technical objections on matters of practice. That is true, also, in the appellate division. So that technical practice under the code has been largely discouraged by the bench, and the practice has been greatly liberalized. You all know how liberal you are now in the admission of evidence. In the cases that have come before me, I have been amazed at the evidence that eminent counsel will permit to be introduced without objection, particularly in trials of actions in equity. So I say that while we have this code, these 2,844 sections, the practice has been liberalized, notwithstanding the failure of the legislature to keep the practice down to date.

I might refer in this connection, as bearing upon the technical practice retained by the bills, to the treatment made of the matter of pleadings by the board, and by the legislative committee. The board treats the subject of pleadings in its rules. The committee treats the subject of pleadings in sections of its act. I may be wrong in my view point, but I see no sense in regulating pleadings by statute since a pleading now-a-days is simply a notice to your opponent of the claim that you are making. The courts are getting so that they won't consider or construe pleadings technically.

The practice outlined in these bills is not only a technical practice which confers procedural rights, which, in important

cases, can be taken advantage of, but in my judgment it is not a genuine reform, not a real reform of procedure, and unless we are going to have a real reform we might just as well stay where we are. I might refer to the changes in the practice that have been made by the legislative committee in its report, and which are embraced in these bills, but I will not take up the time for that. I have in my hands the report made by the committee of the association of the bar of the city of New York. I have been surprised to examine the subjects which are referred to in the report on changes in practice as justifying the approval of the report of the legislative committee. Take, for instance, such subject as "writs" which are a nightmare to a young practitioner. Writs of prohibition, writs of mandamus, writs of certiorari to review! What sense is there in retaining such trash as that in a practice act! There is absolutely no justification for it. The only change that the legislative committee has made is to change the word "writ" to "order." The right to the relief afforded by those writs is not even regulated by statute. It is regulated largely by the courts. All writs, except the writ of *habeas corpus* and the writ of certiorari to review a cause of detention, should be abolished. My brief presented at the hearing before the senate committee discusses these changes in detail.

I will not take the time to discuss the proposed changes in practice, but I say they are not so substantial as to justify the continuance of a statutory and technical practice, which is the chief characteristic of the bills now in the hands of the governor.

Nor has the legislative committee been consistent in the removal of the substantive provisions from the code. There is no reason why substantive law cannot be removed from the code of civil procedure. It was put in when the code of civil procedure was enacted with the idea of getting everything within the covers of a single book. It is wrong in principle. You cannot make a classification of practice provisions and substantive provisions. Yet the legislative committee has in its practice act many substantive provisions. There are some curious inconsistencies. If we are going to have a change in this respect, let us have a complete change. To illustrate this inconsistency, let me say that there are in the civil practice act of the legislative committee substantive

provisions relating to the right to recover real property, to a partition and to foreclose a mortgage, while the committee has transferred from the code of civil procedure to the consolidated laws the provisions relating to the right to institute an action to recover dower for waste, to determine a claim to real property and other actions of a similar nature. With reference to matrimonial actions there are in the civil practice act of the legislative committee, substantive provisions relating to the right to institute an action for divorce, to annul a marriage and for a separation, which substantive provisions should be placed in the domestic relations law. There is no reason for placing in a civil practice act provisions relating to the right to maintain these actions. These substantive provisions can be found quite as readily in the domestic relations law, and that is where one would expect to find them. The right to maintain any action is a substantive right and should not be mixed with the practice provisions in a civil practice act.

Turning now to the rules, you will find substantive provisions in the rules. I realize the difficulty some times in drawing a line between substantive matter and procedural matter, but there is no sense in putting in a rule a provision which on its face is a matter of substance. The first two rules recommended by the legislative committee are rules of substance. Rule 1 relates to the power of the appellate division and various courts of record to make further rules not inconsistent with the rules formulated, and rule 2 provides that the proceedings in court shall be according to the customary practice as it formerly existed in the court of chancery or supreme court where it is not otherwise provided by statute or by rules. These two rules are very fundamental and are wholly inconsistent with the power which the legislature presumes to exercise with respect to procedure. As long as we recognize the authority of the legislature to prescribe the practice in the courts, matters such as those regulated by these two rules are substantive in character, and belong in the judiciary law where provision is found which assumes to delegate to the courts the power to regulate the practice not covered by statute. It is true that these rules of the legislative committee are taken from the general rules of practice, but that does not change their character. Under a dual system of

regulating practice by statute and by rules there is bound to be inconsistency in the authority exercised by the legislature and the courts. We have assumed, in this state, and I think erroneously, that the source for the regulation of practice is in the legislature. I think primarily it is in the supreme court. But as long as we continue to recognize that it is in the legislature, these provisions belong among the substantive provisions of the law. I think that the responsibility for the administration of justice should be placed in the hands of the courts, and that the courts should have the power to regulate their proceedings. It shows a lack of confidence in the courts to turn over to the legislature the matter of regulating practice. I shall not say much on that subject. There is a great deal, however, to be said upon it. I might point out other rules which regulate matters of substance and which should be found among the substantive statutes, but they are too numerous to be discussed in detail.

Before I say a word in conclusion, may I refer to a table that I have here which illustrates very graphically the advantage, so far as statutory provisions are concerned, of the regulation of practice by rules of court rather than by the legislature? I have undertaken to estimate the number of sections in the legislative committee's bills and in the bills that were introduced to carry out the report of the board, with a view to ascertaining how the gross number of sections in the present code corresponds with the gross number of sections in the bills of the committee and the sections in the bills of the board, I find that in the present code there are 2,760 sections, or thereabouts. A great many have been heretofore omitted, and the number given may not be absolutely accurate. There are in the bills of the legislative committee a total of 2,908 sections. I cannot account for the increase except in this way: When the justices' court practice and the surrogates' court practice was taken out, it may have been necessary to add sections because of the references to other sections in the code. The number of sections in their bills corresponds substantially to the number of sections of statutory law in the present code. The number of statutory provisions in the bills carrying out the report of the board is 1,762. So that apparently there is a disappearance of about 1,000 sections of the present code in the report of the board. I am not surprised

at that, because the board applied the principle of uniformity in the preparation of its report by establishing one form of action, one form of notice, one trial, so far as practicable, one form of judgment, one course of appeal, so far as practicable, the principle of generality by eliminating special provisions applicable to particular remedies and the principle of simplicity by omitting useless details of practice, which principles would naturally result in the reduction in the number of statutory provisions. So that apparently in the report of the board there is a disappearance of about 1,000 statutory provisions. Of course, that does not mean substantive provisions. A "Practice Manual" comprising only the provisions relating to procedure in the code of civil procedure as distributed by the legislative committee would consist of the civil practice act, 1,560 sections, and the civil practice rules, 216 rules, a total of 1,776 provisions, and as distributed by the board of statutory consolidation it would consist of the civil practice act, 42 sections, the evidence law, 98 sections, the costs law, 153 sections, the statute of limitations law, 79 sections, the remedial rights law, 139 sections, and the rules of court, 316 rules, a total of 827 provisions, a reduction of nearly one thousand sections.

Finally, gentlemen, let me say that I think that these bills are contrary to the best precedents, the experience in other jurisdictions and to the views of this association. We have ample precedent for a court-rule system, and the best illustration that I know of is the practice in the federal courts on the equity side, where they have a set of 82 rules to regulate procedure as determining questions quite as difficult and important as any that come up in our State courts. Take the system in the State court of claims. I have the honor of having been a member of that court at one time. The cases tried there involve difficult and important questions of law and fact which are determined by a simple procedure based on rules. Of course, you are familiar with the court-rule system as applied in other jurisdictions. A committee of the American Bar Association, which comprises among its members a member of this association whose name I cannot recall at the moment, Professor Roscoe Pound and other eminent men recommend the court-rule system. A committee of the Economic League consisting of Moorfield Storey, of Massachu-

setts; President Eliot, of Harvard University; Professor Pound and Justice Brandeis, of the United States supreme court, recommended the court-rule system for the regulation of details of practice. The American Judicature Society, an organization devoted exclusively to the study and improvement of the system of procedure in this country, which numbers among its members such eminent men as Professor John H. Wigmore, Roscoe Pound and others, also recommended the court-rule system, and has prepared a series of court rules as suggestions for the improvement of procedure wherever that subject is under consideration in any state.

A committee of the New York County Lawyers Association has also approved the court-rule system. The association of the Bar of the City of New York, when the report of the board of statutory consolidation was before it, while they did not approve of that report, still expressed a preference for the regulation of the details of practice by court rules. And this association, as I have said, since 1900 has been in favor of the system of regulating details of practice by court rules.

These are precedents, gentlemen, which it seems to me we cannot lightly set aside. It does not seem to me that we ought to fly in the face of the best judgment upon this subject in this country. It does not seem to me that we ought at this time, after so many years of study on this subject, to sacrifice principle to expediency. For that is what this report of the executive committee comes down to. The idea is, that it is better to take these bills than to take the chance of getting something better. Now, I do not think we can afford to do that. To begin with, it is a stultification of the views expressed by this association for twenty years. You cannot call this so-called civil practice act of the legislative committee a regulation of details of practice by court rules. I tell you, gentlemen, the thing to strive for in the revision of the civil practice is the spirit of justice and not the letter of the law. We all know — although some of us are unwilling to voice it — that there is a great deal of dissatisfaction with the administration of the law. Business men are settling their controversies out of court. The working-men's compensation commission and the public service commission are transacting legal business that was formerly done by the courts.

I say that we cannot afford to throw away the principle of regulating details of practice by court rules for which we have been struggling for so many years merely as a matter of expediency. There is not a man here that can afford to sacrifice principle to expediency. And I tell you that this association cannot afford to do it. We should stand for what we have been advocating for twenty years. So far as I am concerned, personally it does not make a particle of difference what the governor does with these bills, but it makes a big difference to litigants who I know want substantial justice — not procedural law.

I hope, gentlemen, that this association will not adopt the recommendations of the executive committee.

A general discussion then followed in which the following members participated:

Charles A. Boston, Julius Henry Cohen, of New York; J. Newton Fiero, of Albany; George W. Wickersham, Henry A. Forster, Edmund L. Mooney, C. Andrade, Jr., of New York; Simon Fleischmann, of Buffalo; Julius J. Frank, of New York; James M. E. O'Grady, of Rochester; A. T. Clearwater, of Kingston; and J. Henry Walters, of Syracuse.

During the discussion, Simon Fleischmann, of Buffalo, said:

After some of the things that have been said about up-state lawyers, I hesitate to inflict one of them upon this assemblage. It is certainly a fact, that this Association has, for many years now, stood by Judge Rodenbeck on what has been called an ideal in connection with the simplification of practice. On the other hand, it is clear that there appears to be an opportunity to improve conditions. I confess that I am not familiar enough with these measures to venture an opinion as to what will be the result, or whether there is a substantial improvement in the bills proposed or not; but I accept the practically unchallenged statement of our committees that that is the fact. The danger of passing the unqualified resolution of approval of the bills, that is before us now, would be practically putting an estoppel upon this Association from asking for any further changes in the future. Now, we should not get into that position. If we want to go to the Legislature next year and ask for what we have stood for, we should be

in a position to do so, and not be confronted by a definite resolution approving of measures which we all seem to concede do not meet with our unqualified approval. I therefore suggest either one of two courses: First, that there should be a qualifying phrase put in, that, while we stand for a far greater degree of simplification than is embodied in these bills, we believe that as they are in the right direction, they should be approved, and then we can in the future ask for further improvement; or secondly, we can lay this entire matter on the table and leave it to the determination of the Governor. I make this as a practical suggestion.

After a further discussion, Mr. Guthrie accepted the amendment suggested by Mr. Fleischmann and the following resolution, as amended by Mr. Fleischmann, was duly adopted:

"Resolved, That the report of the Executive Committee, dated May 14th, 1920, be approved and the President be authorized and requested to advise the Governor that in the judgment of this Association the group of bills referred to in the report of the Executive Committee, drafted and introduced by the Joint Legislative Committee, constitutes an improvement on the present system of procedure under the Code of Civil Procedure, and that their approval by him will tend to promote simplification, expedition and economy in the administration of justice in the courts of the State of New York, although such legislation does not go as far in the direction of simplification of practice as this Association has heretofore urged and still favors.

Resolved, Further, That the special Committee on the Practice Act be continued and directed to examine the said bills, and report to the Association any amendments they may deem advisable, with power to confer with other bar associations."

The meeting then adjourned *sine die*.

FREDERICK E. WADHAMS,
Secretary.

DELEGATES FROM COUNTY AND LOCAL BAR ASSOCIATIONS REGISTERED AT THE FORTY-FOURTH ANNUAL MEETING.

Cattaraugus County Bar Association:

Allen J. Hastings..... Olean.

Erie County Bar Association:

Adelbert Moot Buffalo.

John Lord O'Brian Buffalo.

Richard H. Templeton Buffalo.

Madison County Bar Association:

Joseph D. Senn Oneida.

George B. Russell Canastota.

Jeremiah F. Connor Oneida.

Nassau County Bar Association:

Franklin A. Coles Glen Cove.

Remsen B. Ostrander Rockville Centre.

Earl J. Bennett Rockville Centre.

New York, Association of the Bar of the City of:

William E. Curtis New York.

Henry W. Goddard New York.

Albert Sprague Bard New York.

New York County Lawyers' Association:

Charles Strauss New York.

John B. Stanchfield New York.

DeLancey Nicoll New York.

Olean Bar Association:

Allen J. Hastings Olean.

Orange County Bar Association:

John C. R. Taylor Middletown.

Joseph W. Gott Goshen.

Elwood C. Smith Monroe.

Oswego County Bar Association:

Ezra A. Barnes Oswego.

Richmond County Bar Association:

George M. Pinney	Tompkinsville.
Guy O. Walser	New York.
Frank S. Gannon, Jr.	New York.

Rochester Bar Association:

William H. McLean	Rochester.
John J. McInerney	Rochester.
Thomas P. McCarrick	Rochester.

Schenectady County Bar Association:

Walter Briggs	Schenectady.
Harry Coplon	Schenectady

Ulster County Bar Association:

Clarence A. Hoorbeck	Ellenville.
Cleon Murray	Ellenville.
Benjamin Rowe	Saugerties

ANNUAL ADDRESSES BY PRESIDENTS

Year.	Name.	Subject.
1877	JOHN K. PORTER.....	Our Common Purposes and Aims.
1879	SAMUEL HAND	Bar Association and the Profession.
1882	SHERMAN S. ROGERS.....	Our Association, its Present, Past and Future.
1885	ELLIOT F. SHEPARD.....	The Duty of the Profession to Bar Associations.
1886	DAVID B. HILL.....	Responsibilities of the Association.
1887	DAVID B. HILL.....	Industry and Principal Professional Watch Words.
1888	MARTIN W. COOKE.....	Bar Associations; What They May Undertake.
1889	MARTIN W. COOKE.....	The Condition, Demands and Progress of the Association.
1890	WILLIAM H. ARNOUX.	
1891	MATTHEW HALE.	
1892	GEORGE M. DIVEN.	
1893	J. NEWTON FIERO.	
1894	J. NEWTON FIERO.....	A Practical View of Law Reform. in New York.
1895	TRACY C. BECKER.	
1896	WILLIAM H. ROBERTSON.	
1897	EDWARD G. WHITAKER.....	1. Code Revision. 2. International Arbitration. 3. The Unnecessary Length and Number of Opinions. 4. Registration of Lawyers.
1898	EDWARD G. WHITAKER.....	1. Increasing Volume of Our Statutory Law. 2. Inchoate Right of Dower. 3. Prevalency of the Crime of Perjury.
1899	SIMON W. ROSENDALE.	
1900	WALTER S. LOGAN.....	The Limitation of Inheritances.
1901	FRANCIS M. FINCH.....	Legal Education.
1902	WILLIAM B. HORNBLOWER....	The State Constitution of 1894, as Affecting Appellate Tribunals.
1903	JOHN G. MILBURN.....	The Statute Law of the State.
1904	JOHN G. MILBURN.....	Statutory Revision and Consolidation.
1905	RICHARD L. HAND.....	Professional Responsibility.
1906	RICHARD L. HAND.....	The Judicial Power in the State of New York.
1907	JOSEPH H. CHOATE.....	The English Bar.

Year.	Name.	Subject.
1908	JOSEPH H. CHOATE.....	Progress at the Second Hague Conference.
1909	FRANCIS LYNDE STETSON....	The Lawyer's Livelihood.
1910	ADELBERT MOOT.....	Bar Association Ideals.
1911	ELIHU ROOT.....	Reform of Procedure.
1912	ELIHU ROOT.....	Judicial Decisions and Public Feeling.
1913	WILLIAM NOTTINGHAM	Pending Questions.
1914	ALTON B. PARKER.....	The Tribunes of the People.
1915	ALTON B. PARKER.....	Address.
1916	ALPHONSO T. CLEARWATER..	Menaces to the Administration of Justice.
1917	MORGAN J. O'BRIEN.....	Current Events.
1918	CHARLES E. HUGHES.....	New Phases of National Development.
1919	CHARLES E. HUGHES.....	The Republic After the War.
1920	HENRY W. TAFT.....	Some Responsibilities of the American Lawyer.
1921	NATHAN L. MILLER.....	Pressing Problems of Government.

NOTE.—The subject of the annual addresses has been, where not otherwise stated, a review of the objects attained during each year, and suggestions for the future.

ANNUAL ADDRESSES

Year.	Name.	Subject.
1878	SAMUEL F. MILLER	Legislation in This Country as it Affects the Administration of Justice in the Courts; What it has Been; What it Ought to Be.
1880	GEORGE W. BIDDLE.....	Retrospective Legislation.
1881	*STANLEY MATTHEWS.....	The Function of the Legal Profession in the Progress of Civilization.
1883	†Right Hon. Baron COLERIDGE, Lord Chief Justice of England	American Lawyers and American Law.
1884	JOHN G. MILBURN.....	What is This Age and Time Accomplishing in the Domain of Law?
1887	HENRY HITCHCOCK.....	Recent Changes in American State Constitutions.
1888	DANIEL DOUGHERTY.....	The Integrity and Independence of the Bar.
1889	THOMAS M. COOLEY.....	Comparative Merits of Written and Prescriptive Constitutions.
1890	ROBERT G. INGERSOLL.....	Crimes Against Criminals.
1891	JOHN S. WISE.....	New Litigation on Highways Resulting from the Use of Electricity.
1892	MELVILLE BIGELOW.....	Respect for the Law and Responsibility of the Profession.
1893	ALTON B. PARKER.....	A Phase of Law Reform.

* By resolution of the Association, owing to the death of President Garfield, which took place on the day of the meeting of the Association, the annual address and a few papers, instead of being read, were submitted in silence.

† A special meeting was called October 11, 1883, to receive Lord Coleridge.

Year.	Name.	Subject.
1893	DAVID J. BREWER.....	The Nation's Safeguard.
1894	ADLAI E. STEVENSON.....	The Lawyer.
1894	JOSEPH N. DOLPH.....	Law Reform.
1895	JOHN F. DILLON.....	Property—Its Rights and Duties in Our Legal and Social Systems.
1896	CHAUNCEY M. DEFEW.....	Patriotism and Jingoism—The Law- yer's Duty.
1897	WILLIAM L. WILSON.....	Some Points in the Working of Our Constitutional System.
1898	WILLIAM C. DEWITT.....	Charter of Greater New York.
1899	OLIVER WENDELL HOLMES...	Law in Science and Science in Law.
1900	HENRY B. BROWN.....	The Liberty of the Press.
1901	WU TING-FANG.....	Chinese Jurisprudence.
1902	JULES CAMBON	The Relations of Diplomacy to the Development of International Law, Public and Private.
1902	JAMES M. BECK.....	The Suppression of Anarchy.
1903	ROKUICHIRO MASUJIMA.....	The Present Position of Japanese Law and Jurisprudence.
1904	JOHN WATSON FOSTER.....	What the United States Has Done for International Arbitration.
1905	WILLIAM LINDSAY.....	The Relations of the General Gov- ernment with the States Com- posing the Federal Union.
1906	CHARLES E. LITTLEFIELD....	The Three Departments of Govern- ment and their Relation to Each Other.
1907	JACOB M. DICKINSON.....	Centralization by Construction and Interpretation of the Constitution.
1908	JAMES BRYCE.....	The Methods and Conditions of Legislation.
1909	JOHN C. SPOONER.....	The Power of Congress under the "Commerce Clause" over State Corporations Engaged in Inter- state or Foreign Commerce.
1910	JOSEPH W. BAILEY.....	The Power to Regulate Transpor- tation Charges by Statutory En- actment.
1911	GEORGE W. WICKERSHAM....	Concerning Certain Essentials of Republican Government.
1912	PHILANDER C. KNOX.....	The Monroe Doctrine and Some Incidental Obligations in the Zone of the Caribbean.

Year.	Name.	Subject.
1913	HERBERT S. HADLEY.....	Progressive Jurisprudence.
1914	EDGAR M. CULLEN.....	The Decline of Personal Liberty in America.
1915	WILLIAM H. TAFT.....	State Constitutions.
1916	CHARLES E. HUGHES.....	Some Aspects of the Development of American Law.
1917	LINDLEY M. GARRISON.....	The Lawyer on Public Affairs.
1918	SIR FREDERICK EDWIN SMITH.	Law, War and the Future.
1919	DAVID JAYNE HILL.....	The Authority of International Law.
1920	CHARLES S. THOMAS.....	Federal Encroachments.
1921	GEORGE SUTHERLAND.....	Principle or Expedient?

PAPERS READ

Year.	Name.	Subject.
1877	AMASA A. REDFIELD.....	Some Proposed Changes in Probate Procedure.
1877	WALTER HOWE.....	Legal Relations of Capital and Labor.
1878	WILLIAM W. GREEN.....	The American Constitution.
1878	JAMES A. BRIGGS.....	Taxation — Should it be Confined to Real Estate?
1878	IRVING BROWNE.....	A Plea for the Non-Political Lawyer.
1878	ELLIOT F. SHEPARD.....	Equalization of Representation in the United States.
1878	WILLIAM M. IVINS.....	Jurisprudence and Political Economy.
1878	GROSVENOR P. LOWREY.....	Telegrams; Their Inviolability against Disclosure, Subpoena and Search Warrant.
1878	GEORGE SHAY.....	Some Thoughts on Henry Wheaton and the Epoch to which He Belonged.
1879	FREDERIC R. COUDERT.....	Some Points of Civil and of Common Law.
1879	ALBERT STICKNEY.....	Our Methods of Trials in Courts.
1879	JOHN REYNOLDS.....	The Extent to which Conveyances May be Set Aside as Fraudulent, Though the Purchaser has Paid a Valuable Consideration and there is no Actual Fraud.
1879	EDWIN COUNTRYMAN.....	Fragmental Law Reform.
1879	A. P. SMITH	Surrogates' Courts and Surrogates' Practice

Year.	Name.	Subject.
1879	GEORGE T. SPENCER.....	The Right of the Jury in Criminal Cases to Determine the Law as Well as the Fact.
1879	TRACY C. BECKER.....	The Ethical and Legal Status of Contracts for Contingent Compensation for Legal Services.
1879	SHELDON T. VIELE.....	Is the Common Law a Proper Subject for Codification?
1879	WILLIAM M. IVINS.....	Is the Common Law a Proper Subject for Codification?
1880	MATTHEW HALE.....	Illegal and Erroneous Taxation and Its Remedies.
1880	JAMES D. TELLER.....	Law and Lawyers of Shakespeare.
1880	EDWARD E. SPRAGUE.....	The Test of the Master's Liability to the Servant.
1880	JOSHUA GASKILL.....	Exemption of Personal Property from Execution.
1880	ROBERT P. HARLOW.....	The Propriety of Regulating Commercial Interchange (especially that Relating to Railroads) between the States by National Legislation; or, What National Legislation (if any) Should be had to Regulate Commercial Interchange between the States?
1881	*NATHANIEL C. MOAK.....	Experts and Expert Testimony.
1881	*RICHARD L. HAND.....	Some Thoughts on the Law of Agency.
1881	*J. H. HOPKINS.....	A Glance at Certain Rights, State and National.
1881	*SHELDON T. VIELE.....	State Legislation and Charity Organization.
1881	*J. WARREN GREEN.....	Ultra Vires.
1882	FRANCIS M. BURDICK.....	Can a Statute be Well Written in English?
1882	THEODORE BACON.....	Professional Comity.

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Year.	Name.	Subject.
1882	JAMES F. GLUCK	The Effect of the Master's Promise to Repair Defective Machinery.
1882	GEORGE S. BATCHELLER.....	Principles of Extra-Territoriality in the Ottoman Empire and Mixed Courts of Egypt.
1882	DWIGHT H. OLMSTEAD.....	Land Transfer Reform.
1882	ROBERT SEWELL.....	Title to the Beds of Lakes and Ponds in the State of New York.
1882	ANSLEY WILCOX.....	Malice as an Element of Torts.
1882	EDWARD B. MERRILL.....	A Plea for Professional Ethics.
1882	JAMES B. PERKINS.....	Some Differences between French and English Procedure.
1882	EDWARD E. SPRAGUE.....	Contributory Negligence and the Burden of Proof.
1884	LEMUEL SKIDMORE.....	The Adequacy of the Jury System of this State to a Proper Investigation and Decision of Civil Actions at the Present Time and What Changes (if any) are Needed.
1885	DANIEL H. CHAMBERLAIN....	The Doctrine of Stare Decisis; Its Reasons and Its Extent.
1887	DAVID DUDLEY FIELD	The Needs of Legislation.
1887	NATHANIEL C. MOAK.....	The Value of Expert Testimony on Authority as to Handwriting.
1887	MATTHEW HALE.....	Some Much-Needed Reforms in the Organization of the Courts and in the Conduct of Litigation.
1887	TRACY C. BECKER.....	Is Boycotting Criminal?
1887	LEROY PARKER.....	The Laws of Divorce in the United States, Including the Conflict of Laws of the Several States and the Advisability of National Legislation.
1888	Right Hon. JOHN W. MEL- LOR, Q. C.....	A Paper upon Parliamentary Representation in Great Britain.

Year.	Name.	Subject.
1888	JOHN WINSLOW.....	The Contest Between the Judiciary and the Legislature of Rhode Island.
1889	L. B. PROCTOR.....	Comparative View of Chief Judge Sanford E. Church and Judge Martin Grover, of the Court of Appeals.
1889	DANIEL S. REMSEN.....	The Security of Railway Investments.
1890	EUGENE D. HAWKINS	The Rights of Minority Stockholders and What Legislation, if any, is needed for their Protection.
1890	NATHANIEL C. MOAK.....	Liability between Relatives for Services, Support and on Alleged Implied Contracts.
1890	J. NEWTON FIERO.....	What Shall be Done to Relieve Our Courts?
1890	JOHN F. DILLON.....	A Century of American Law.
1891	J. NEWTON FIERO.....	Can the Present System of Reporting Decisions of the Courts of this State be Substantially Improved, and, if so, by What Methods?
1892	CLARK BELL.....	Medical Jurisprudence of the Bar and the Judiciary.
1893	ALTON B. PARKER.....	A Phase of Law Reform.
1893	GEORGE F. DANFORTH.....	The Judiciary Articles of the Constitution.
1893	FREDERICK C. COUDERT.....	Relief of the Court of Appeals.
1893	AUSTIN ABBOTT.....	The Court of Last Resort.
1893	WILLIAM B. HORNBLLOWER ..	The Supreme Court.
1893	LESLIE W. RUSSELL	The Supreme Court.
1893	GEORGE G. REYNOLDS.....	The Superior City Courts.
1893	FRANKLIN BARTLETT.....	The Superior City Courts.
1894	W. A. KEENER.....	Uniformity in Bar Examinations.
1894	GEORGE CHASE.....	Uniformity in Bar Examinations.
1894	AUSTIN ABBOTT.....	Uniformity in Bar Examinations.

Year.	Name.	Subject.
1894	LEROY PARKER.....	Uniformity in Bar Examinations.
1894	H. B. HUTCHINS.....	Uniformity in Bar Examinations.
1894	WILLIAM CROSWELL DOANE..	Uniformity in Bar Examinations.
1894	WILLIAM P. BURR.....	The Constitutional Conventions of 1846 and 1867.
1894	WALTER S. LOGAN	The Judiciary Article of the New Constitution.
1894	WILLIAM H. ROBERTSON	The Work of the Constitutional Convention with Reference to the Judiciary Article.
1894	AUGUSTUS SCHOONMAKER....	Evolution of the Judicial Power and Observations Touching the Judiciary.
1894	LOUIS MARSHALL.....	The Constitutional Convention.
1894	CHARLES A. COLLIN.....	Statutory Revision in New York.
1895	MARTIN A. KNAPP	Government Regulation of Rail- road Rates.
1895	ROWLAND COX.....	The Constitution of the United States and its Relation to the Subject of Trade-Marks.
1895	WILLIAM B. DAVENPORT	Some Curious Incidents in the Work of a Public Administrator.
1895	RALPH STONE.....	The Mission of State Bar Associa- tions.
1895	J. NEWTON FIERO.....	David Dudley Field and His Work.
1895	J. NEWTON FIERO.....	Should the Code of Civil Procedure be Revised, Condensed and Sim- plified?
1895	AUSTIN ABBOTT.....	Should the Code of Civil Procedure be Revised, Condensed and Sim- plified?
1896	JOHN J. LINSON.....	Some Needed Improvements in Our Statutes and in Statute Making.
1896	HENRY WYMAN JESSUP.....	Are Directors of Corporations Held to a Sufficient Accounta- bility?
1896	MOORFIELD STOREY.....	Address.

Year.	Name.	Subject.
1896	CHRISTOPHER G. TIEDEMAN..	The Doctrine of Stare Decisis and a Proposed Modification of its Practical Application in the Evolution of the Law.
1896	RICHARD L. HAND.....	Preparation for the Bar.
1896	WILLIAM B. HORNBLOWER...	What Method Should be Adopted in the Proposed Revision of the Code of Procedure and How can the Work be Carried on so as to Give the Best Results?
1896	ELDRIDGE L. ADAMS.....	Civil Procedure in England.
1897	WALTER S. LOGAN.....	A Few Suggestions on Lord Chief Justice Russell's Address at Saratoga.
1897	DAVID N. CARVALHO.....	A Plea for the Preservation of Public Records.
1897	CHARLES A. COLLIN.....	Historic Methods of Law Reform.
1897	FRANKLIN M. DANAHER....	Examinations in Law for Admission to the Bar in the State of New York.
1897	MARTIN W. COOKE.....	View of the New York State Bar Association, as Seen from the Standpoint of its Twentieth Anniversary.
1898	LESLIE W. RUSSELL.....	Can Legislation Legalize Murder?
1898	JAMES W. EATON.....	An Experiment in Codification. A Paper on the Negotiable Instruments Law of 1897.
1898	ROBERT EARLE.....	Excessive Legislation.
1898	W. A. PURRINGTON.....	An Examination of the Doctrine of Malice as an Essential Element of Responsibility for Defamation, Uttered on a Privileged Occasion.
1899	ROBERT EARLE.....	Too Many Oaths and Their Consequences.
1899	AMASA A. REDFIELD.....	A Case of Laesae Majestatis in New Amsterdam in 1647
1899	CHARLES A. GARDINER.....	Our Right to Acquire and Hold Foreign Territory.
1899	CHRISTOPHER G. TIEDEMAN..	Constitutionality of Inheritance Tax Law.
1899	CHARLES F. BOSTWICK.....	Legislative Competition for Corporate Capital.

Year.	Name.	Subject.
1899	ADELBERT MOOT.....	Holding up Estates.
1899	CLARENCE D. ASHLEY.....	Methods of Legal Education in the State of New York.
1899	WILBUR LARREMORE.....	Interstate Crime and Interstate Extradition.
1900	J. NEWTON FIERO.....	On the Taxation of Corporate Franchises.
1900	JAMES ALSTON CABELL.....	The Trial of Aaron Burr.
1900	SIMON FLEISCHMANN.....	A Correct Basis for Corporate Taxation.
1900	WILBUR LARREMORE.....	Constitutional Regulation of Contempt of Court.
1900	WALTER S. JENKINS.....	Taxable Transfers—Inter Vivos.
1900	ERNEST W. HUFFCUT.....	Constitutional Aspects of the Federal Control of Corporations.
1900	FELIX BRANNIGAN.....	A Legal Aspect of the Philippine Question.
1900	CHARLES F. BOSTWICK.....	Corporate Finance in Law.
1901	WALTER S. LOGAN.....	The Use and Abuse of Corporations.
1901	CHARLES P. NORTON.....	State Control of the Police.
1901	CHARLES A. GARDINER.....	The Constitution of Our New Possessions; An Answer to Ex-President Harrison.
1901	JOHN H. HOPKINS.....	The New Constitution of the United States.
1901	FREDERICK W. HOLLS.....	The International Court of Arbitration at The Hague.
1901	WILLIAM CROSWELL DOANE..	Divorce.
1901	A. J. RODENBECK.....	Revision of the General Laws and Code of Procedure.
1902	J. NEWTON FIERO.....	Shall Statutory and Code Revision be Abandoned?
1902	GEORGE TRUMBULL LADD.....	Legal Aspects of Hypnotism.
1902	WILLIAM H. HOTCHKISS....	The Supreme Court and the Present Bankruptcy Law.
1902	RUDOLF DULON.....	Interesting Features of German Law.
1902	JOHN DEWITT PELTZ.....	Some Needed Amendments to the Code Regarding the Waiver of Physicians' Privilege.
1902	CARMAN F. RANDOLPH.....	Deliberate Legislation.
1902	JOSEPH A. KELLOGG.....	Anarchism.
1902	JAMES MCC. MITCHELL.....	Legislative and Judicial Desiderata.
1903	ROKUICHIRO MASUJIMA.....	Japanese Law in Relation to the Status of Foreigners.
1903	LYMAN D. BREWSTER.....	A Commercial Code.

Year.	Name.	Subject.
1903	SIMON FLEISCHMANN.....	The Supreme Court Dilemma.
1903	HEMAN W. MORRIS.....	The Powers of Congress Over Treaties.
1903	SELDEN BACON.....	Probate Procedure.
1903	EDWARD B. WHITNEY.....	Further Reforms in Procedure.
1903	WALTER S. LOGAN.....	National Incorporation and Control of Corporations.
1903	JOHN F. DILLON.....	Chancellor Kent; Concerning the Erection of a Monument to His Memory.
1903	H. CLEVELAND COXE.....	Marriage and Divorce in France.
1903	MARTIN W. LITTLETON.....	The Independent Judge.
1904	WILLIAM L. PENFIELD.....	Some Problems in Connection with International Arbitration.
1904	EVERETT P. WHEELER.....	American Constitutional Law as Molded by Daniel Webster.
1904	A. CAPERTON BRAXTON.....	The Civil Jury.
1904	LOUIS W. MARCUS.....	Is the Surrogate's Court Fulfilling its Purpose?
1904	EDWARD P. WHITE.....	Changed Conditions in the Practice of Law.
1904	ROBERT G. SCHERER.....	Law Reporting.
1904	ROLAND CRANGLE.....	Legal Aspects of the Panama Question.
1904	WILBUR LARREMORE.....	Suicide and the Law.
1904	ALFRED L. BECKER.....	Mr. Adriaen van der Donck, the Earliest Lawyer in New York.
1905	CHARLES A. GARDINER.....	The Constitutional Powers of the President.
1905	CHARLES E. HUGHES.....	Arrest and Imprisonment on Civil Process.
1905	ADRIAN H. JOLINE.....	Martin Van Buren, the Lawyer.
1905	R. PERCY CHITTENDEN.....	The Water Supply of the City of New York, and some Legal Complications Involved.
1905	SIMON FLEISCHMANN.....	The Influence of the Bar in the Selection of Judges, throughout the United States.
1906	GEORGE LAWYER.....	Should the Grand Jury System be Abolished?
1906	FREDERICK S. WAIT.....	Fraudulent Conveyances.
1906	EDWARD S. RISPALLO.....	Combination of Contracts on Sale of Personal Property.
1906	CLINTON B. GIBBS.....	The Great Forward Movement for Uniform Divorce Laws.

Year.	Name.	Subject.
1906	ALPHONSO T. CLEARWATER..	The Disregard of Law.
1906	WILLIAM M. IVINS.....	Electoral Reform.
1906	RICHARD H. DANA.....	The Corrupt Practices Act; The Nominating Machinery and the Australian Ballot System of Massachusetts.
1907	THOMAS NELSON PAGE.....	The Loss of the Fiduciary Principle.
1907	LOUIS D. BRANDEIS.....	Savings Bank Life Insurance for Wage-Earners.
1907	J. ASPINWALL HODGE.....	The Bench and The Bar in Their Relation to the People and the Corporations.
1907	GEORGE W. ALGER.....	The Law and Industrial Inequality.
1908	DANIEL S. REMSEN.....	Safe and Sound Wills — a Lawyer's Obligation.
1908	ELBRIDGE L. ADAMS.....	Some Features of Civil Procedure in England.
1908	ELON R. BROWN.....	Some Faults of Legal Administration.
1908	WILLIAM D. GUTHRIE.....	The Eleventh Article of Amendment to the Constitution of the United States.
1908	HENRY PEGRAM.....	Land Title Registration — Torrens and other Systems.
1908	CHARLES THORNTON DAVIS..	The Land Registration Act of Massachusetts — Its Practical Working, Operation and Effect.
1908	FRANK E. HODGINS, K. C...	The Working of the Land Title Registration System in Ontario.
1909	EVERETT P. WHEELER.....	The American Bar Association's Recommendations as to Judicial Procedure.
1909	ROBERT B. LAMB.....	The Commitment and Discharge of the Insane Criminal.
1909	CHARLES A. COLLIN.....	From the Revised Statutes of 1829 Laws of 1909.
1909	WALLACE NESBITT, K. C....	to the Proposed Consolidated The Judicial Committee of the Privy Council.
1910	SIMON FLEISCHMANN.....	The Dishonesty of Sovereignities.
1910	JOHN D. LINDSAY.....	The Necessity for a Court of Criminal Appeal.
1910	CRYSTAL EASTMAN.....	Employers' Liability.
1910	JAMES F. TRACEY.....	Law in the Philippines.
1911	ADELBERT MOOT.....	How Can We Improve Our Courts?
1911	ADOLPH J. RODENBECK.....	The Reform of the Procedure in the Courts of the State of New York.

Year.	Name.	Subject.
1912	C. ANDRADE, JR.....	The Commencement of Actions and other Proceedings up to Trial.
1912	GEORGE GORDON BATTLE and JOSEPH M. PROSKAUER....	Preparation for Trial and Trial Practice.
1912	NEAL DOW BECKER.....	Judgments.
1912	EVERETT P. WHEELER.....	Procedure on Appeal.
1912	HENRY A. FORSTER.....	Satisfaction of Judgment and Supplementary Proceedings.
1912	J. NEWTON FIERO.....	Revision of the Code Relative to Special Actions and Special Proceedings.
1912	JOHN P. COHALAN and ROBERT LUDLOW FOWLER..	Practice in Surrogate's Court.
1912	WILLIAM RENWICK RIDDELL.	The Courts of Ontario.
1912	*LYNN HELM.....	Practice and Procedure in California.
1912	SIMEON E. BALDWIN.....	How Civil Procedure was Simplified in Connecticut.
1912	*JOHN H. DENISON.....	The Simplification of Procedure in Civil Causes in Colorado.
1912	*CLARENCE R. WILSON.....	Brief Statement of the Law of Pleading and Practice in the District of Columbia.
1912	*ALEXANDER W. SMITH....	Georgia Practice and Legal Procedure.
1912	*CHARLES S. CUTTING.....	Practice and Procedure in Illinois.
1912	*STEPHEN H. ALLEN.....	Civil, Procedure in Kansas.
1912	*WILLIAM W. CRAWFORD...	Practice and Procedure in Kentucky.
1912	*RAYMOND FELLOWS.....	Practice and Procedure in Maine.
1912	*WILLIAM L. RAWLS.....	Maryland Procedure in Courts of Law.
1912	*DAN H. BALL.....	Practice and Procedure in Michigan.
1912	*EDWARD MAYES.....	Mississippi Courts.
1912	*THOMAS K. SKINKER.....	Epitome of the Code of Civil Procedure of Missouri.
1912	*W. T. PIGOTT.....	Practice and Procedure in Montana.
1912	*SAMUEL C. EASTMAN.....	Practice and Procedure in New Hampshire.
1912	*EDWARD Q. KEASBEY.....	The Judicial Procedure of New Jersey.
1912	*A. B. McMILLEN.....	New Mexico Practice and Procedure.

* This paper filed but not read.

Year.	Name.	Subject.
1912	*ROBERT C. STRONG.....	Practice and Procedure in North Carolina.
1912	*JOHN E. GREENE.....	An Epitome of the Laws and Rules Regulating Procedure in the Courts of North Dakota.
1912	*LOUIS H. WINCH.....	The Ohio Code of Civil Procedure.
1912	*CHARLES H. WOODS.....	Practice and Procedure in Oklahoma.
1912	*HENRY B. PATTON.....	Pennsylvania Practice.
1912	*WILLIAM A. MORGAN.....	Courts and Civil Practice in Rhode Island.
1912	*MARTIN MASON	Practice and Procedure in South Dakota.
1912	*GEORGE B. YOUNG.....	Practice and Procedure in Vermont.
1912	*J. F. BULLITT.....	Synopsis of Pleading and Practice in Virginia.
1912	*JOHN B. SANBORN.....	Practice and Procedure in Wisconsin.
1913	HENRY W. TAFT.....	Recall of Decisions—A Modern Phase of Impatience of Constitutional Restraints.
1913	CHARLES A. BOSTON.....	Disbarment in New York.
1914	CORDELL HULL.....	Some Features of the Income Tax Law.
1914	A. T. CLEARWATER.....	The Deterioration of the Trial Jury.
1914	WILLIAM RENWICK RIDDELL.	The Jury System in Ontario.
1915	CARLOS C. ALDEN.....	Uniformity in the Legislation of the Different States.
1915	MORRIS R. COHEN.....	Legal Theories and Social Science.
1915	MORGAN J. O'BRIEN.....	The Making of Constitutions.
1916	J. NEWTON FIERO.....	Legal Education.
1916	ADOLPH J. RODENBECK.....	Simplification of the Civil Practice.
1917	HARRY OLSON	Efficiency in the Administration of Criminal Justice.
1917	SAMUEL ROSENBAUM	English Courts and Procedure.
1918	ORRIN N. CARTER.....	The Courts and the People.
1918	A. J. RODENBECK.....	The Power of the Supreme Court of the State of New York under the Constitution to Regulate its own Procedure.
1919	A. J. RODENBECK.....	The Classification and Restatement of the Law.
1919	HENRY A. FORSTER.....	Analysis of Premier Lenin's Address to the All-Russian Soviet Congress.
1919	JOHN LORD O'BRIAN.....	Civil Liberty in War Time.
1920	FRANCIS M. HUGO.....	Corporations in the State of New York.
1921	J. HENRY WALTERS.....	The New Practice Acts.

* This paper filed but not read.

RESPONSES TO TOASTS AT BANQUETS

Year.	Name.	Subject.
1878	SAMUEL F. MILLER.....	The Supreme Court of the United States.
1878	CHARLES ANDREWS.....	The Court of Appeals.
1878	CHARLES M. IVINS.....	The Civil Law.
1878	SAMUEL B. WARD.....	The Medical Profession.
1878	WILLIAM H. ARNOUX.....	The Legal Profession.
1878	A. J. VANDERPOEL	The Client.
1878	DAVID DUDLEY FIELD.....	Law Reform.
1878	ROBERT S. HALE.....	Our Retiring President.
1878	CHARLES HUGHES.....	The Ladies.
1879	HEZEKIAH STURGES.....	Our Country.
1879	AUGUSTUS SCHOONMAKER....	The State of New York.
1879	A. P. LANING.....	The Supreme Court.
1879	IRVING BROWNE	The Press.
1879	RUFUS W. PECKHAM	Legal Profession.
1879	CHARLES HUGHES.....	Our Clients.
1880	CHARLES ANDREWS	The Court of Appeals of the State of New York.
1880	THEODORIC R. WESTBROOK..	The Supreme Court of the State of New York.
1880	GEORGE W. BIDDLE.....	The Bar of the United States of America.
1880	WILLIAM H. McELROY.....	The Press.
1880	ELLIOT F. SHEPARD.....	The Bar Association of the City of New York.
1887	ST. CLAIR McKELWAY	The State of New York.
1887	HENRY HITCHCOCK	The Legal Profession.
1887	ALFRED C. COXE.....	The Federal Courts.
1887	ROBERT EARL,	The Court of Appeals.
1887	DAVID DUDLEY FIELD	The Clergy.
1887	S. B. WARD.....	The Medical Profession.
1889	DAVID B. HILL.....	The State of New York.

Year.	Name.	Subject.
1889	THOMAS M. COOLEY.....	The Legal Profession.
1889	JOHN CLINTON GRAY.....	The Court of Appeals.
1889	EDWIN N. LOCKWOOD.....	Federal Courts.
1889	MATTHEW HALE.....	The New York Supreme Court.
1889	J. SLOAT FASSETT.....	The Legislature.
1889	JOSEPH O'CONNOR.....	The Press.
1889	ROGER A. PRYOR.....	The State of Virginia.
1890	HOMER A. NELSON.....	The State of New York.
1890	DAVID DUDLEY FIELD.....	The Supreme Court of the United States.
1890	JOHN B. STANCHFIELD.....	The Supreme Court of the State of New York.
1890	JAMES HUSTED.....	The Legislature of the State of New York.
1890	HUGH REILLY.....	The Capital City.
1890	JOHN J. LINSON.....	The Lawyer as a Legislator.
1890	Rev. Father CRONIN.....	The Press.
1890	J. SLOAT FASSETT.....	The New York State Bar Association.
1890	ROBERT G. INGERSOLL.....	Orator of the Day.
1891	CHARLES E. PATTERSON.....	Our Country.
1891	EDWARD F. JONES.....	The State of New York.
1891	DAVID DUDLEY FIELD.....	The Court of Appeals.
1891	D. S. ALEXANDER.....	The Federal Courts.
1891	JOHN J. LINSON.....	The New York Supreme Court.
1891	JOHN S. WISE.....	The Legal Profession.
1891	WILLIAM SULZER.....	The Legislature.
1891	JAMES H. MANNING.....	The Capital City.
1891	WILLIAM H. MCELROY.....	The Press.
1891	WILFORD L. ROBBINS.....	The Relation of the Pulpit to the Bar.
1891	GEORGE L. STEDMAN.....	The Lawyer in His Office.
1898	CHARLES ANDREWS.....	Address.
1898	ALTON B. PARKER.....	Address.
1898	GOVERNOR BLACK.....	The State of New York.
1898	JAMES C. CARTER.....	The Association of the Bar of the City of New York.
1898	JOSEPH H. CHOATE.....	Bar of the State

Year.	Name.	Subject.
1898	JOHN G. MILBURN.....	The Bench and Bar.
1898	DAVID B. HILL.....	The ex-Presidents of the Association.
1898	WALTER S. LOGAN.....	The New York State Bar Association.
1899	GOVERNOR ROOSEVELT.....	The Empire State.
1899	Chief Judge PARKER.....	The Court of Appeals.
1899	TRACY C. BECKER.....	Legal Education.
1899	GEORGE M. PALMER.....	The Lawyer in Politics.
1899	LEWIS E. CARR.....	The Hardships of the Present Practice of the Profession.
1900	LT.-GOV. WOODRUFF.....	The Empire State.
1900	JOHN CLINTON GRAY.....	The Court of Appeals.
1900	JAMES ALSTON CABELL.....	Address.
1900	JOHN CUNNEEN.....	The Buffalo Bar.
1900	LEWIS E. CARR.....	The Lawyer and the Hod Carrier.
1900	J. VAN VECHTEN OLCOTT....	The Bar of New York City.
1900	Judge FINCH.....	Address.
1901	Minister WU TING-FANG....	The President of the United States.
1901	GOVERNOR ODELL.....	The State.
1901	LT.-GOV. WOODRUFF.....	A Commercial View of Our Relations with China.
1901	MORGAN J. O'BRIEN.....	The Judiciary.
1901	HERBERT P. BISSELL.....	The Legal Fraternity.
1901	Commander A. V. WADHAMS, U. S. N.....	The United States Navy.
1901	LEWIS E. CARR.....	Three Strikes and Out.
1902	AMBASSADOR JULES CAMBON.	The President of the United States and the President of the French Republic.
1902	CHARLES PEERS DAVIDSON...	King Edward VII.
1902	GOVERNOR ODELL.....	The State.
1902	EDGAR T. BRACKETT.....	The Retirement of Judge Landon.
1902	LIEUT.-GOV. WOODRUFF.....	Legal Curves from a Layman's Standpoint.
1902	JAMES M. BECK.....	The Junior Bar.
1902	WILLIAM K. TOWNSEND....	Our Unwritten Constitution.
1902	W. J. WHITE.....	The Montreal Bar.
1902	JOSEPH A. LAWSON.....	Legal By-Ways.
1902	LEWIS E. CARR.....	Contingent Remainders.

Year.	Name.	Subject.
1903	MINISTER TAKAHIRA.....	The President of the United States and the Emperor of Japan.
1903	DR. ROKUICHIRO MASUJIMA.	The American People.
1903	JUDGE GRAY.....	The Court of Appeals.
1903	MARTIN W. LITTLETON.....	The Independent Jury.
1903	R. D. MCGIBBON, K. C.....	The Montreal Bar.
1903	COMMANDER A. V. WADHAMS, U. S. N.....	The Navy; the Peacemakers.
1903	HENRY D. ESTABROOK.....	New York and the West.
1904	GOVERNOR ODELL.....	The State of New York.
1904	JUDGE O'BRIEN.....	The Court of Appeals.
1904	DONALD MACMASTER, K. C.	The Canadian Bar.
1904	FREDERIC W. HINRICHS.....	Sunday in New York.
1904	ATTORNEY-GEN'L CUNNEEN..	New York's Contribution to Juris- prudence.
1904	LEWIS F. CARR.....	The Sacred Twelve.
1905	LIEUT.-GOVERNOR BRUCE.....	The State of New York.
1905	WILLIAM LINDSAY.....	The State of Kentucky.
1905	CHIEF JUDGE CULLEN.....	The Court of Appeals.
1905	JOB E. HEDGES.....	Lawyers.
1905	BISHOP COADJUTOR NELSON..	The Law and the Prophets.
1905	FRANK M. THORNE.....	Reflections on Lawyers.
1905	ATTORNEY-GENERAL MAYER..	Was Diogenes Looking for a Lawyer?
1906	LIEUT.-GOVERNOR BRUCE.....	The State of New York.
1906	CHARLES E. LITTLEFIELD.....	The Pine Tree State.
1906	GENERAL HORACE PORTER....	Law and Diplomacy.
1906	JUDGE HAIGHT.....	The Court of Appeals.
1906	BISHOP DOANE.....	Profession and Practice.
1906	GEORGE WHITELOCK.....	The Maryland Bar.
1906	ROBERT C. SMITH, K. C.....	The Canadian Bar.
1906	JOSEPH H. CHOATE.....	The Incoming President.
1907	GOVERNOR HUGHES	The State of New York.
1907	JUDGE DICKINSON	The State of Tennessee.
1907	P. B. MIGNAULT, K. C.....	The Montreal Bar.
1907	THOMAS NELSON PAGE.....	The Country Lawyer.
1907	HARRY ST. GEORGE TUCKER..	The State of Virginia.
1907	WILLIAM B. HORNBLOWER...	The "state of unrest."
1907	JOSEPH A. LAWSON.....	The "state of mental equilibrium."
1908	GOVERNOR HUGHES	The State of New York.
1908	AMBASSADOR BRYCE	The Bench and the Bar.
1908	JUDGE WERNER	The Court of Appeals.
1908	JUDGE HOLT	The Federal Court.
1908	TALCOTT WILLIAMS, LL.D....	Liberty and the Bar.

Year.	Name.	Subject.
1909	JUDGE HISCOCK.....	The Court of Appeals.
1909	H. H. STRATHY, K. C.....	The Ontario Bar.
1909	JOHN G. MILBURN.....	The Ex-Presidents.
1909	JAMES H. HOYT.....	Lawyers and their Critics.
1909	WILLIAM H. HOTCHKISS.....	The Buffalo Bar.
1910	MR. JUSTICE RIDDELL.....	Canada, Her Law and Lawyers.
1910	JAMES BRECK PERKINS.....	Devotion to the Law.
1910	JOHN G. MILBURN.....	The Bar.
1910	HENRY D. ESTABROOK.....	Quasi-Political.
1910	SENATOR ROOT.....	The Incoming President.
1911	ATTY.-GEN. WICKERSHAM...	National Law Business.
1911	JUDGE ANDREWS.....	The Past.
1911	JUDGE VANN.....	The Court of Appeals.
1911	MR. JUSTICE RIDDELL.....	Ourselves.
1911	CHANCELLOR DAY.....	Thoughts on Things.
1911	JOSEPH A. LAWSON.....	Briefs and Points.
1912	AMBASSADOR JUSSEURAND....	Questions of Procedure.
1912	ROBERT C. SMITH, K. C....	The Montreal Bar.
1912	MR. JUSTICE JENKS.....	The Appellate Division.
1912	PRESIDENT TAFT.....	Address.
1913	GOVERNOR HADLEY	Address.
1913	D-CADY HERRICK.....	Thoughts at Random.
1913	J. E. MARTIN, K. C.....	The Montreal Bar.
1913	ALPHONSO T. CLEARWATER..	New York and Missouri.
1913	MR. JUSTICE RIDDELL.....	Prospects.
1914	JUDGE CULLEN.....	Address.
1914	JUDGE WERNER.....	The Court of Appeals.
1914	MR. JUSTICE CLARKE.....	Address.
1914	SIR CHARLES DAVIDSON....	The Montreal Bar.
1914	MR. JUSTICE CRANE.....	Address.
1914	HARRY ST. GEORGE TUCKER.	Ambulance Chasing.
1914	JOB E. HEDGES.....	Some Judges I have Met.
1915	JUDGE CUDDERBACK	The Court of Appeals.
1915	DR. JOHN HUSTON FINLEY..	Law and Laws.
1915	MR. JUSTICE BISSELL.....	The Lawyer and Peace.
1915	PATRICK FRANCIS MURPHY..	Time and Chance—the Incontrollable Twins.
1915	E. F. B. JOHNSTONE, K. C..	The Canadian Bar.
1915	JOB E. HEDGES.....	Comments.
1916	JACOB M. DICKINSON.....	Address.
1916	HENRY L. STIMSON.....	Address.
1916	MR. JUSTICE JENKS.....	Address.
1916	JUDGE POUND.....	The Court of Appeals.
1916	ROBERT C. SMITH, K. C....	The Montreal Bar.

Year.	Name.	Subject.
1916	ELIHU ROOT.....	Address.
1916	MORGAN J. O'BRIEN.....	The Incoming President.
1917	A. T. CLEARWATER.....	Address.
1917	JUDGE BARTLETT	Address.
1917	JUDGE HISCOCK	Address.
1917	CHARLES E. HUGHES.....	The Incoming President.
1918	THE SECRETARY OF STATE OF THE UNITED STATES.....	Address.
1918	THE FRENCH AMBASSADOR..	Address.
1918	THE ITALIAN AMBASSADOR..	Address.
1918	GOVERNOR GENERAL OF CANADA	Address.
1918	ELIHU ROOT	Address.
1918	ATTORNEY GENERAL OF GREAT BRITAIN	Address.
1919	REAR ADMIRAL BLUE, U. S. N.	Address.
1919	AIMEE GEOFFRION, K. C....	Address.
1919	HENRY ST. GEORGE TUCKER.	Address.
1919	HAMPTON L. CARSON.....	Address.
1919	HENRY W. TAFT.....	Address.
1920	HENRY W. TAFT.....	Address.
1920	JUDGE CRANE	Address.
1920	HAMPTON L. CARSON.....	Address.
1920	SIR GEORGE FOSTER.....	Address.
1920	CHARLES S. THOMAS.....	Address.
1920	A. W. ATWATER, K. C.....	Address.
1920	NICHOLAS MURRAY BUTLER.	Address.
1920	NATHAN L. MILLER.....	Address.
1921	GOVERNOR SPROUL.....	Address.
1921	WILLIAM H. WARDROPE, K. C.	Address.
1921	SENATOR WADSWORTH.....	Address.
1921	ALFRED E. SMITH.....	Address.
1921	WILLIAM D. GUTHRIE.....	Address.

PRESIDENTS OF THE ASSOCIATION

*JOHN K. PORTER	1876—1878
*SAMUEL HAND	1878—1880
*SHERMAN S. ROGERS	1880—1882
*WILLIAM C. RUGER	1882—1884
*ELLIOTT F. SHEPARD.....	1884—1885
*DAVID B. HILL	1885—1887
*MARTIN W. COOKE	1887—1889
*WILLIAM H. ARNOUX	1889—1890
*MATTHEW HALE	1890—1891
*GEORGE M. DIVEN	1891—1892
J. NEWTON FIERO	1892—1894
TRACEY C. BECKER.....	1894—1895
*WILLIAM H. ROBERTSON	1895—1896
EDWARD G. WHITAKER	1896—1898
SIMON W. ROSENDALE	1898—1899
*WALTER S. LOGAN	1899—1900
*FRANCIS M. FINCH	1900—1901
*WILLIAM B. HORNBLOWER	1901—1902
JOHN G. MILBURN	1902—1904
*RICHARD L. HAND	1904—1906
*JOSEPH H. CHOATE	1906—1908
*FRANCIS LYNDE STETSON.....	1908—1909
ADELBERT MOOT	1909—1910
ELIHU ROOT	1910—1912
*WILLIAM NOTTINGHAM	1912—1913
ALTON B. PARKER	1913—1915
ALPHONSO T. CLEARWATER	1915—1916
MORGAN J. O'BRIEN	1916—1917
CHARLES E. HUGHES.....	1917—1919
HENRY W. TAFT.....	1919—1920
NATHAN L. MILLER.....	1920—1921
WILLIAM D. GUTHRIE.....	1921—1922

*Deceased

SECRETARIES

1876-1882	Abraham V. De Witt	Albany.
1882-1887	Peyton F. Miller	Albany.
1887-1899	Lucien B. Proctor.....	Albany.
1899-	Frederick E. Wadhams	Albany.

CORRESPONDING SECRETARIES

1876-1879	Edward Mitchell	New York.
1879-1880	Marcus T. Hun	Albany.
1880-1883	Julien T. Davies.....	New York.
1883-1884	William P. Dixon	New York.
1884-1887	Sheldon T. Viele.....	Buffalo.
1887-1889	Peyton F. Miller	Albany.
1889-1892	Arthur L. Andrews	Albany.
1892-1895	Justin Kellogg	Troy.
1895-1896	Joseph A. Lawson	Albany.
1896-1898	Amasa J. Parker, Jr.	Albany.
1898-1899	Frederick E. Wadhams.....	Albany.
1899-1900	Lucien B. Proctor	Albany.
1900-1901	George Lawyer	Albany.

TREASURERS

1876-1880	Rufus W. Peckham	Albany.
1880-1884	Martin W. Cooke	Rochester.
1884-1892	Simon W. Rosendale	Albany.
1892-1898	Albert Hessberg	Albany.
1898-1901	Henry A. Peckham	Albany.
1901-1920	Albert Hessberg	Albany.
1920-	Loran L. Lewis, Jr.....	Buffalo.

1921-1922

OFFICERS AND STANDING COMMITTEES

PRESIDENT

William D. Guthrie..... New York

VICE-PRESIDENTS

First District..... Francis M. Scott.... New York.
Second District... Harrington Putnam. Brooklyn.
Third District.... Alden Chester..... Albany.
Fourth District.... Ledyard P. Hale.... Canton.
Fifth District..... Alexander H. Cowie. Syracuse.
Sixth District.... George F. Lyon..... Binghamton.
Seventh District... John D. Teller..... Auburn.
Eighth District.... Walter P. Cooke.... Buffalo.
Ninth District.... Arthur S. Tompkins. Nyack.

SECRETARY

Frederick E. Wadhams..... Albany

TREASURER

Loran L. Lewis,* Jr..... Buffalo

EXECUTIVE COMMITTEE

Samuel H. Ordway, New York, Chairman.

William V. R. Erving, Albany, Secretary.

First District — Samuel H. Ordway, New York; Joseph P. Cotton, New York; Martin Conboy, New York.

Second District — Robert B. Honeyman, Brooklyn; John J. Kuhn, Brooklyn; William J. Morris, Jr., Long Island City.

Third District — John G. Van Etten, Kingston; William V. R. Erving, Albany; Calvin S. McChesney, Troy.

Fourth District — Thomas B. Cotter, Plattsburg; Frederick W. Dudley, Port Henry; Anson Getman, Johnstown.

Fifth District — Joseph B. Murphy, Syracuse; Warnick J. Kernan, Utica; H. Duane Bruce, Syracuse.

Sixth District — Frederick W. Clifford, Oswego; Frederick Collin, Elmira; Willard M. Kent, Ithaca.

Seventh District—Arthur E. Sutherland, Rochester; Jesse S. Phillips, Hornell; John Colmey, Canandaigua.

Eighth District—J. Alan Hamilton, Buffalo; Fred M. Ackerson, Niagara Falls; Joseph H. Morey, Buffalo.

Ninth District—William Fraser Cassedy, Newburgh; Russell Wiggins, Middletown; Frank L. Young, Ossining.

COMMITTEE ON LAW REFORM

Meier Steinbrink, Brooklyn, Chairman.
John E. O'Brien, New York, Secretary.

First District—Julius Henry Cohen, New York; John E. O'Brien, New York; Lee J. Perrin, New York.

Second District—Meier Steinbrink, Brooklyn; Joseph Fried, Lawrence; Alfred T. Davison, Brooklyn.

Third District—Frederick E. W. Darrow, Kingston; Northrup R. Holmes, Troy; Julius Ilch, Albany.

Fourth District—Fred Linus Carroll, Johnstown; Cyrus W. Briggs, Schenectady; William T. Moore, Mechanicville.

Fifth District—Francis E. Cullen, Watertown; Charles C. Cook, Syracuse; D. P. Morehouse, Oswego.

Sixth District—Randolph Horton, Ithaca; Ross M. Lovell, Elmira; William Wirt Newell, Binghamton.

Seventh District—John M. Brainard, Auburn; Eugene Van Voorhis, Rochester; Charles W. Kimball, Penn Yan.

Eighth District—A. G. Bartholomew, Buffalo; Walter H. Edson, Jamestown; Richard H. Templeton, Buffalo.

Ninth District—Francis X. Donoghue, Yonkers; Ernest P. Hoes, New York; George A. Slater, White Plains.

COMMITTEE ON ADMISSIONS

Charles Strauss, New York, Chairman.
Elmer G. Sammis, Brooklyn, Secretary.

First District—Joseph H. Choate, Jr., New York; Charles Strauss, New York; Allen Wardwell, New York; Wilson M. Powell, New York.

Second District — Frank S. Gannon, Jr., Richmond; Elmer G. Sammis, Brooklyn; Willard N. Baylis, Huntington; Edward J. Byrne, Brooklyn.

Third District — John C. Watson, Jr., Albany; Howard C. Wilbur, Catskill; Frederick C. Filley, Troy; Joseph Rosch, Liberty.

Fourth District — Homer J. Borst, Schenectady; Andrew J. Hanmer, Massena; Willoughby L. Sawyer, Hudson Falls; Henry F. Toohey, Schuylerville.

Fifth District — Emerson M. Willis, Utica; Stewart F. Hancock, Syracuse; John D. McMahon, Rome; Ira P. Betts, Phoenix.

Sixth District — Frank Beck, Owego; James S. Flanagan, Norwich; Halsey Sayles, Elmira; Robert S. Wickham, Binghamton.

Seventh District — Eugene J. Dwyer, Rochester; Milo M. Acker, Hornell; George S. Tinklepaugh, Palmyra; Eugene Raines, Rochester.

Eighth District — James W. Persons, Buffalo; George C. Lewis, Lockport; Clarence H. Greff, Warsaw; Philip J. Wickser, Buffalo.

Ninth District — Eugene F. McKinley, White Plains; Edward Cornell, Central Valley; Frederick W. Penny, Haverstraw; Frank D. Briggs, Tarrytown.

COMMITTEE ON GRIEVANCES

Alfred E. Hinrichs, New York, Chairman.

Newton B. Van Derzee, Albany, Secretary.

First District — Alfred E. Hinrichs, New York; William C. Breed, New York; Henry W. Sackett, New York.

Second District — Timothy M. Griffing, Riverhead; William S. Pettit, Far Rockaway; Edward Riegelman, Brooklyn.

Third District — John E. MacLean, Cohoes; John W. Roberts, Troy; Newton B. Van Derzee, Albany.

Fourth District — James S. Kiley, Glens Falls; Marvin H. Strong, Schenectady; Walter Guest Kellogg, Ogdensburgh.

Fifth District — Francis M. Hugo, Watertown; Ezra A. Barnes, Oswego; Frank N. Decker, Syracuse.

Sixth District — William H. Sullivan, Norwich; Thomas J. Keenan, Binghamton; Clayton R. Lusk, Cortland.

Seventh District — Harvey F. Remington, Rochester; Arthur J. Hammond, Geneva; Joseph P. Doyle, Rochester.

Eighth District — John C. Leggett, Cuba; William Palmer, Buffalo; Blaine F. Sturgis, Medina.

Ninth District — Harry C. Barker, Poughkeepsie; Graham Witschief, Newburgh; John F. McFarlane, Nyack.

COMMITTEE ON SELECTION OF CANDIDATES FOR JUDICIAL OFFICE

George L. Ingraham, New York, Chairman.

William L. Visscher, Albany, Secretary.

First District — George L. Ingraham, New York; Louis Marshall, New York; DeLancey Nicoll, New York.

Second District — Herbert T. Ketchum, Brooklyn; John Hill Morgan, New York; Peter B. Olney, Jr., New York.

Third District — William L. Visscher, Albany; Russell M. Johnston, Albany; William D. Brinnier, Kingston.

Fourth District — Erskine C. Rogers, Hudson Falls; D. B. Lucey, Ogdensburgh; Horton D. Wright, Gloversville.

Fifth District — Virgil K. Kellogg, Watertown; Louis L. Waters, Syracuse; Charles N. Bulger, Oswego.

Sixth District — David N. Heller, Elmira; Frank S. Bentley, Horseheads; George F. Andrews, Owego.

Seventh District — Charles D. Newton, Geneseo; Stephen J. Warren, Rochester; Myron D. Short, Canandaigua.

Eighth District — Henry W. Pottle, Buffalo; George M. Tuttle, Niagara Falls; Thomas A. Kirby, Albion.

Ninth District — William F. Bleakley, Yonkers; Samuel K. Phillips, Beacon; Herbert B. Royce, Middletown.

COMMITTEE ON LEGAL BIOGRAPHY

James DeWitt Andrews, New York, Chairman.

Lawrence B. McKelvey,, Saratoga Springs, Secretary.

First District — James DeWitt Andrews, New York.

Second District — Harrison C. Glore, Brooklyn.

Third District — Edward J. Halter, Albany.

Fourth District — Lawrence B. McKelvey, Saratoga Spa.

Fifth District — Frank R. Walker, Syracuse.

Sixth District — Maurice E. Page, Binghamton.

Seventh District — Isaac Adler, Rochester.

Eighth District — William G. Doorty, Buffalo.

Ninth District — Joseph W. Gott, Goshen.

SPECIAL COMMITTEES AND DELEGATES

The following special committees and delegates have been appointed:

COMMITTEE OF ARRANGEMENTS

First District.....	Stephen P. Anderton	New York.
	Jerome S. Hess.....	New York.
	William L. Ransom..	New York.
Second District...	J. Sheldon Fosdick..	Jamaica.
	Jackson A. Dykman.	Brooklyn.
Third District.....	Orin Q. Flint.....	Athens.
	Samuel Caplan	Albany.
Fourth District....	Charles E. Hardies..	Amsterdam.
	Roscoe C. Sanford..	Ogdensburgh.
Fifth District.....	Allen J. Barker.....	Syracuse.
	Charles E. Spencer.	Syracuse.
Sixth District.....	George B. Russell...	Canastota.
	Asahel J. Buck.....	Cortland.
Seventh District...	Homer E. A. Dick..	Rochester.
	H. Dutton Noble, Jr..	Auburn.
Eighth District....	James W. Persons..	Buffalo.
	Edward H. Letchworth	Buffalo.
Ninth District.....	Stephen Holden.....	White Plains.
	Edward P. Jones...	Port Jervis.

DELEGATES TO THE FORTY-THIRD ANNUAL MEETING OF THE AMERICAN BAR ASSOCIATION AT CINCINNATI, O., AUG. 31-SEPT. 2, 1921.

John B. Stanchfield	New York.
Evan Hollister	Buffalo.
George P. Decker	Rochester.

Alternates.

Alton B. Parker	New York.
Edward R. Bosley	Buffalo.
Ernest I. Edgcomb	Syracuse.

DELEGATES TO ATTEND MEETING OF SECTION OF AMERICAN
BAR ASSOCIATION CONFERENCE OF BAR ASSOCIATION
DELEGATES, AT CINCINNATI, O., AUG. 30, 1921.

Henry W. Taft	New York.
Martin Conboy	New York.
Julius Henry Cohen	New York.

Alternates

C. Tracey Stagg	Ithaca.
Charles W. Pierson	New York.
William P. Gregg	Port Jervis.

COMMITTEE ON SALARY OF FEDERAL JUDGES

Charles C. Burlingham, Chairman.....	New York.
James Byrne	New York.
Henry L. Stimson.....	New York.
Ansley Wilcox	Buffalo.
John G. Milburn	New York.

COMMITTEE ON INTERNATIONAL ARBITRATION

Everett P. Wheeler, Chairman.....	New York.
Adelbert Moot	Buffalo.
Frederic R. Coudert	New York.
Jeremiah Keck	Johnstown.
Charles Henry Butler	New York.

COMMITTEE ON LEGAL ETHICS

Henry W. Jessup, Chairman.....	New York.
Alfred E. Hinrichs	New York.
Ernest I. Edgcomb	Syracuse.
Ralph S. Rounds	New York.
J. Newton Fiero	Albany.
Franklin M. Danaher	Albany.

COMMITTEE TO EXAMINE THE PRACTICE ACT PREPARED BY
THE BOARD OF STATUTORY CONSOLIDATION

A. T. Clearwater, Chairman.....	Kingston.
C. Andrade, Jr.	New York.
George A. Blauvelt.....	Monsey.
Elon R. Brown	Watertown.

J. Newton Fiero	Albany.
James S. Havens	Rochester.
Ledyard P. Hale	Canton.
Edward W. Hatch	New York.
John D. Kernan	Utica.
DeLancey Nicoll	New York.
Henry W. Taft	New York.
Simon Fleischmann	Buffalo.
James L. Quackenbush	New York.

COMMITTEE ON PROPOSED LEGISLATION RELATIVE TO THE
COMMITMENT AND DISCHARGE OF THE CRIMINAL INSANE

First District.....	John Brooks Leav-	
	itt, Chairman	New York.
Second District...	Frank H. Field.....	Brooklyn.
Third District.....	A. Page Smith.....	Albany.
Fourth District....	Harry M. Ingram...	Potsdam.
Fifth District.....	D. P. Morehouse....	Oswego.
Sixth District.....	James T. Rogers....	Binghamton.
Seventh District...	Harry Otis Poole...	Rochester.
Eighth District....	Francis F. Baker....	Buffalo.
Ninth District.....	J. M. Wainwright..	Rye.

COMMITTEE ON AMENDMENT OF PROCEDURE IN THE FEDERAL
COURTS

Arthur H. Masten, Chairman.....	New York.
Alton B. Parker.....	New York.
Henry L. Stimson.....	New York.
Frederic W. Hinrichs	Brooklyn.
Lewis L. Delafield	New York.
Everett P. Wheeler.....	New York.

COMMITTEE TO ADVISE AND AID THE COMMITTEE ON AMEN-
DMENT OF PROCEDURE IN THE FEDERAL COURTS

Congressional Dis-
tricts in New York:

1st District.....	Townsend Scudder..	Glenwood Landing.
2nd District.....	Burt Jay Humphrey.	Long Island City

3rd District.....	William N. Dykman..	Brooklyn.
4th District.....	Charles J. McDermott	Brooklyn.
5th District.....	John Hill Morgan..	Brooklyn.
6th District.....	Meier Steinbrink....	Brooklyn.
7th District.....	Daniel S. Remsen...	Brooklyn.
8th District.....	Frank Harvey Field..	Brooklyn.
9th District.....	Robert H. Wilson...	Brooklyn.
10th District.....	George J. S. Dowling	Brooklyn.
11th District.....	James Byrne, Chairman	New York.
12th District.....	Charles C. Burlingham	New York.
13th District.....	Job E. Hedges.....	New York.
14th District.....	Louis Marshall.....	New York.
15th District.....	Delancey Nicoll.....	New York.
16th District.....	Morgan J. O'Brien..	New York.
17th District.....	Samuel P. Goldman..	New York.
18th District.....	James A. O'Gorman..	New York.
19th District.....	Francis M. Scott....	New York.
20th District.....	George W. Wickersham	New York.
21st District.....	D. Roger Englar....	New York.
22nd District.....	Charles E. Rushmore	New York.
23rd District.....	Walter C. Noyes....	New York.
24th District.....	John F. Brennan....	Yonkers.
25th District.....	George A. Blauvelt..	Monsey.
26th District.....	William Church Osborn	Garrison.
27th District.....	Charles W. Walton..	Kingston.
28th District.....	Rollin B. Sanford...	Albany.
29th District.....	Hiram C. Todd.....	Saratoga.
30th District.....	William B. Baker...	Gloversville.
31st District.....	Thomas Spratt.....	Ogdensburg.
32nd District.....	Elon R. Brown.....	Watertown.
33rd District.....	P. C. J. DeAngelis..	Utica.
34th District.....	Roger P. Clark.....	Binghamton.
35th District.....	David F. Costello...	Syracuse.
36th District.....	John Van Sickle....	Auburn.
37th District.....	H. C. Mandeville...	Elmira.

38th District.....	Arthur E. Sutherland	Rochester.
39th District.....	Sanford T. Church..	Albion.
40th District.....	Alfred W. Gray....	Niagara Falls.
41st District.....	John Lord O'Brian.	Buffalo.
42nd District.....	Simon Fleischmann..	Buffalo.
43rd District.....	Frank H. Mott.....	Jamestown.

COMMITTEE ON CIVIL JUDICIAL STATISTICS

J. Noble Hayes, Chairman.....	New York.
Frederic W. Hinrichs.....	Brooklyn.
Harry M. Ingram.....	Potsdam.
M. W. Van Auken.....	Utica.
George H. Kennedy.....	Buffalo.
Frederick E. Wadhams.....	Albany.
J. Robert Rubin.....	New York.
John Kirkland Clark.....	New York.
Nathan A. Smyth.....	New York.
Harry G. Anderson.....	Brooklyn.
William F. Love.....	Rochester.
George H. Bond.....	Syracuse.
Wesley C. Dudley.....	Buffalo.

COMMITTEE TO CONFER WITH THE COURT OF APPEALS AND TO
RECOMMEND MEASURES FOR THE RELIEF OF THE CON-
GESTED CALENDAR OF THAT COURT

First District.....	William D. Guthrie,	
	<i>ex-officio</i>	New York.
	G. L. Ingraham....	New York.
	Morgan J. O'Brien..	New York.
	Alton B. Parker....	New York.
	Elihu Root.....	New York.
	Lewis L. Delafield...	New York.
	Francis M. Scott....	New York.
Second District...	Wm. N. Dykman....	Brooklyn.
	Meier Steinbrink....	Brooklyn.
Third District.....	A. T. Clearwater,	
	Chairman	Kingston.
	D-Cady Herrick.....	Albany.
Fourth District....	Ledyard P. Hale....	Canton.
Fifth District.....	John N. Carlisle....	Watertown.
	D. Raymond Cobb...	Syracuse.

Sixth District.....	Harvey D. Hinman..	Binghamton.
Seventh District...	William W. Webb...	Rochester.
Eighth District....	Carlos C. Alden.....	Buffalo.
	Simon Fleischmann..	Buffalo.
	Daniel J. Kenefick...	Buffalo.
	Adelbert Moot.....	Buffalo.
Ninth District.....	W. Church Osborn..	New York.

COMMITTEE TO CONSIDER THE ADVISABILITY OF ESTABLISHING
AN AMERICAN INTERNATIONAL COURT

George W. Wickersham, Chairman.....	New York.
Alphonso T. Clearwater.....	Kingston.
Israel T. Deyo.....	Binghamton.
William N. Dykman.....	Brooklyn.
Lindley M. Garrison.....	New York.
William D. Guthrie.....	New York.
John Brooks Leavitt.....	New York.
Louis L. Waters.....	Syracuse.
Adelbert Moot	Buffalo.

COMMITTEE TO INVESTIGATE PUBLICATION LEGAL NOTICES

Virgil K. Kellogg, Chairman.....	Watertown.
Frank Harvey Field.....	Brooklyn.
Julius Henry Cohen.....	New York.
Simon Fleischmann	Buffalo.
Henry Crofut White.....	New York.

MEMBERSHIP COMMITTEE

First District.....	Langdon Parker	
	Marvin, Chairman.	New York.
	Henry Bartow Farr.	New York.
	Joseph M. Proskauer	New York.
	Arthur P. McKinstry	New York.
	Charles S. Guggen-	
	heimer.	New York.
	Frank J. Coleman, Jr.	New York.
	Charles E. Hughes,	
	Jr.	New York.
	Jerome S. Hess.....	New York.
	Stephen P. Anderton	New York.
	Charles P. Spooner..	New York.

Second District...	George I. Woolley...	Brooklyn.
	Charles A. Kenmore.	Brooklyn.
	Emanuel Newman...	Brooklyn.
	William H. E. Jay..	Brooklyn.
	Morris L. Strauss...	College Point.
	Lucius N. Manley...	Long Island City.
	George W. Hildreth.	Riverhead.
	LeRoy M. Young...	Babylon.
	J. Harry Tiernan...	Stapleton.
Third District.....	J. Harris Loucks....	Albany.
	William C. Gordon..	Troy.
	Charles B. Benson...	Hudson.
	Palmer Canfield, Jr..	Kingston.
	James J. Byard, Jr..	Cooperstown.
Fourth District....	Walter Briggs.....	Schenectady.
	William C. Maynard	Schenectady.
	Burton D. Esmond..	Ballston Spa.
	Luther A. Wait.....	Saratoga.
	J. Edward Singleton	Glens Falls.
	George J. Moore....	Malone.
	A. J. Hanmer.....	Massena.
	Frank Burton.....	Gloversville.
	James C. Dolan.....	Gouverneur.
	Christopher J. Hef- fernan	Amsterdam.
Fifth District.....	William A. Macken- zie	Syracuse.
	Stewart F. Hancock.	Syracuse.
	Edmund H. Lewis...	Syracuse.
	John K. O'Connor...	Oswego.
	G. Linnemann Pres- cott	Rome.
	Theodore L. Cross...	Utica.
	George S. Reed.....	Lowville.
	Claude E. Guile.....	Fulton.
	Delos M. Cosgrove..	Watertown.

Sixth District....	James S. Flanagan..	Norwich.
	Arthur Seybolt	Oneonta.
	Mortimer L. Sullivan	Elmira.
	Frederick W. Clifford	Owego.
	Laverne M. Twining	Binghamton.
	John W. Suggett....	Cortland.
	Thomas B. Kattell..	Binghamton.
	William Hazlitt Smith	Ithaca.
Seventh District...	Harlan W. Rippey...	Rochester.
	Daniel M. Beach....	Rochester.
	Kendall B. Castle...	Rochester.
	J. Henry Kerr.....	Auburn.
	Lansing G. Hoskins.	Geneva.
	James S. McCall...	Bath.
	Frank A. Christian..	Canandaigua.
	Francis C. Williams.	Corning.
Eighth District....	Evans Hollister.....	Buffalo.
	Edward R. Bosley...	Buffalo.
	Henry Adsit Bull...	Buffalo.
	Joseph H. Morey...	Buffalo.
	Edward E. Franchot.	Niagara Falls.
	George Curtis Lewis.	Lockport.
	Robert H. Jackson..	Jamestown.
	Elton D. Warner...	Dunkirk.
	Allen J. Hastings...	Olean.
	Sanford T. Church..	Albion.
	Elmer E. Charles...	Warsaw.
Ninth District.....	Henry Kohl.....	Newburgh.
	Ivan A. Gardner....	Middletown.
	Samuel F. Swinburne	New Rochelle.
	Arthur R. Wilcox...	Port Chester.
	Charles D. Millard..	Tarrytown.
	Frank Comesky.....	Nyack.
	John M. Digney.....	White Plains.

COMMITTEE ON ARBITRATION
(Formerly Committee on Prevention of Unnecessary
Litigation)

Daniel S. Remsen, Chairman.....	New York.
Edward H. Wilson.....	Brooklyn.
John Brooks Leavitt.....	New York.
Willis E. Heaton.....	Hoosick Falls.
Warnick J. Kernan.....	Utica.

COMMITTEE ON UNIFORM STATE LAWS

Carlos C. Alden, Chairman.....	Buffalo.
Charles Thaddeus Terry.....	New York.
J. Newton Fiero.....	Albany.
William L. Ransom.....	New York.
Michael Furst	Brooklyn.

COMMITTEE ON LEGAL EDUCATION

J. Newton Fiero, Chairman.....	Albany.
John Whalen	New York.
Harlan F. Stone.....	New York.
Adelbert Moot	Buffalo.
Leslie J. Tompkins.....	New York.
Frank Irvine	Ithaca.
William P. Richardson.....	Brooklyn.
C. Tracey Stagg.....	Ithaca.
Frederick B. Campbell.....	New York.
Louis L. Waters.....	Syracuse.
Charles T. Terry.....	New York.
William H. Hotchkiss.....	New York.
George Chase	New York.
Carlos C. Alden.....	Buffalo.

Advisory Committee

Alton B. Parker.....	New York.
Edgar M. Cullen.....	Brooklyn.
Willard Bartlett.....	New York.
Charles E. Hughes.....	New York.

COMMITTEE ON LEGAL AID SOCIETIES

Robert Grier Monroe, Chairman.....	New York.
Julius Henry Cohen.....	New York.
John Lord O'Brian.....	Buffalo.

LEGISLATIVE COMMITTEE

John G. Van Etten, Chairman.....	Kingston.
Charles J. Tobin, Secretary.....	Albany.
H. Snowden Marshall.....	New York.
Nathaniel A. Elsberg.....	New York.
Michael Furst	Brooklyn.
Frederick E. Draper, Jr.....	Troy.
Harry M. Ingram.....	Potsdam.
Herbert P. Coats.....	Saranac Lake.
Richmond D. Moot.....	Schenectady.
T. Harvey Ferris.....	Utica.
Charles E. Cooney.....	Syracuse.
James T. Rogers.....	Binghamton.
Eugene J. Dwyer.....	Rochester.
Loran L. Lewis, Jr.....	Buffalo.
George A. Blauvelt.....	Monsey.

COMMITTEE ON CLASSIFICATION AND RESTATEMENT
OF THE LAW

Waldo G. Morse, Chairman.....	New York.
James D. Andrews.....	New York.
Adelbert Moot	Buffalo.
C. Andrade	New York.
William Allan Butler.....	New York.

COMMITTEE TO CONSIDER THE RECOMMENDATIONS MADE BY
THE CONFERENCE OF BAR ASSOCIATION DELEGATES

Julius Henry Cohen, Chairman.....	New York.
Charles A. Boston.....	New York.
J. Newton Fiero.....	Albany.
Benjamin B. Cunningham.....	Rochester.
Loran L. Lewis, Jr.....	Buffalo.

COMMITTEE TO MAKE SUGGESTIONS RELATIVE TO UNNECESSARY
ADMINISTRATIVE DUTIES OF THE GOVERNOR

George W. Wickersham, Chairman.....	New York.
Charles Thaddeus Terry.....	New York.
Franklin B. Lord.....	New York.
John A. Parsons.....	Albany.
John Lord O'Brian.....	Buffalo.

COMMITTEE TO RECOMMEND MEASURES FOR THE RELIEF OF
THE CONGESTED CALENDARS OF THE FEDERAL DISTRICT
COURTS OF THIS STATE

Northern District..	Louis L. Waters,	
	Chairman	Syracuse.
	Edward N. Smith...	Watertown.
Southern District..	A. T. Clearwater....	Kingston.
	William S. Jenney..	New York.
Eastern District...	Oscar A. Lewis.....	Brooklyn.
	Charles J. McDer-	
	mott.	Brooklyn.
Western District..	Simon Fleischmann..	Buffalo.
	Frederick T. Pierson	Rochester.

COMMITTEE ON ANACHRONISMS IN THE LAW

Adelbert Moot, Chairman.....	Buffalo.
Harlan F. Stone.....	New York.
Edwin H. Woodruff.....	Ithaca.
Francis P. Garvan.....	New York.
George Chase	New York.
W. P. Richardson.....	Brooklyn.
Frank R. Walker.....	Syracuse.
J. Newton Fiero.....	Albany.
Carlos C. Alden.....	Buffalo.

COMMITTEE TO FORMULATE A REPORT CONCERNING CONFLICTS
OF JURISDICTION, AUTHORITY OR POLICY EXISTING BE-
TWEEN THE STATE OF NEW YORK AND THE FEDERAL
GOVERNMENT

Adelbert Moot, Chairman.....	Buffalo.
Frank L. Polk.....	New York.
Waldo G. Morse.....	New York.
J. Parker Kirlin.....	New York.
Harrington Putnam	Brooklyn.

COMMITTEE ON LAW OF AVIATION

Philip A. Carroll, Chairman.....	New York.
Stephen H. Philbin.....	New York.
Francis K. Appleton, Jr.....	New York.
Evan Hollister	Buffalo.
William H. Means.....	Buffalo.

COMMITTEE ON NOMINATIONS

First District.....	George W. Wicker-	
	sham.	New York.
Second District...	Harrington Putnam.	Brooklyn.
Third District.....	Charles W. Walton.	Kingston.
Fourth District....	Joseph A. Kellogg...	Glens Falls.
Fifth District.....	Fred B. Pitcher.....	Watertown.
Sixth District.....	Roger P. Clark.....	Binghamton.
Seventh District...	Charles D. Newton..	Geneseo.
Eighth District....	John Alan Hamilton.	Buffalo.
Ninth District.....	William Church Os-	
	born	Garrison.

HONORARY MEMBERS.

(Constitution, Art. III.)

THE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE UNITED STATES SUPREME COURT

Edward D. White.....	Chief Justice.
Joseph McKenna.....	Associate Justice.
Oliver Wendell Holmes.....	Associate Justice.
William R. Day.....	Associate Justice.
Willis Van Devanter.....	Associate Justice.
Mahlon Pitney	Associate Justice.
James C. McReynolds.....	Associate Justice.
Louis D. Brandeis.....	Associate Justice.
John H. Clarke.....	Associate Justice.

UNITED STATES CIRCUIT JUDGES

Henry Galbraith Ward.....	New York.
Charles M. Hough.....	New York.
Martin T. Manton.....	New York.

UNITED STATES DISTRICT JUDGES

George W. Ray, N. D.....	Norwich.
Augustus N. Hand, S. D.....	New York.
Learned Hand, S. D.....	New York.
Julius M. Mayer, S. D.....	New York.
John C. Knox, S. D.....	New York.
Thomas Ives Chatfield, E. D.....	Brooklyn.
Edwin Louis Garvin, E. D.....	Brooklyn.
John R. Hazel, W. D.....	Buffalo.

JUDGES OF THE COURT OF APPEALS

Frank H. Hiscock, Chief Judge.....	Syracuse.
John W. Hogan.....	Syracuse.
Emory A. Chase.....	Catskill.
Benjamin N. Cardozo.....	New York.
Cuthbert W. Pound.....	Lockport.
Chester B. McLaughlin.....	Port Henry.
Frederick E. Crane.....	Brooklyn.
William S. Andrews.....	Syracuse.

JUSTICES OF THE SUPREME COURT

First District

Leonard A. Giegerich.....	New York.
John Proctor Clarke.....	New York.
Samuel Greenbaum	New York.
Vernon M. Davis.....	New York.
Victor J. Dowling.....	New York.
Joseph E. Newburger.....	New York.
Mitchell L. Erlanger.....	New York.
John Ford	New York.
Charles L. Guy.....	New York.
M. Warley Platzek.....	New York.
Irving Lehman	New York.
Nathan Bijur	New York.
Edward J. Gavegan.....	New York.
Alfred R. Page.....	New York.
Francis K. Pendleton.....	New York.
Daniel F. Cohalan.....	New York.
Henry D. Hotchkiss.....	New York.
Thomas F. Donnelly.....	New York.
Bartow S. Weeks.....	New York.
Edward G. Whitaker.....	New York.
Francis B. Delehanty.....	New York.
Edward R. Finch.....	New York.
John M. Tierney.....	New York.
George V. Mullan.....	New York.
Richard H. Mitchell.....	New York.
John V. McAvoy.....	New York.
Richard P. Lydon.....	New York.
Robert F. Wagner.....	New York.
Philip J. McCook.....	New York.
William P. Burr.....	New York.
James O'Malley.....	New York.
Isidore Wasservogel	New York.
Francis Martin	New York.

Second District

Almet F. Jenks.....	Brooklyn.
William J. Kelly.....	Brooklyn.
Joseph Aspinall	Brooklyn.

Walter H. Jaycox.....	Patchogue.
Abel E. Blackmar.....	Brooklyn.
Harrington Putnam	Brooklyn.
Isaac M. Kapper.....	Brooklyn.
Charles H. Kelby.....	Brooklyn.
Russell Benedict	Brooklyn.
James C. Van Siclen.....	Jamaica.
David F. Manning.....	Brooklyn.
Stephen Callaghan	Brooklyn.
James C. Cropsey.....	Brooklyn.
Leander B. Faber.....	Jamaica.
Lewis L. Fawcett.....	Brooklyn.
Edward Lazansky	Brooklyn.
Arnon L. Squiers.....	Brooklyn.
Selah B. Strong.....	Setauket.
Norman S. Dike.....	Brooklyn.
John MacCrate	Brooklyn.

Third District

A. V. S. Cochrane.....	Hudson.
Wesley O. Howard.....	Troy.
William P. Rudd.....	Albany.
Gilbert D. B. Hasbrouck.....	Kingston.
Charles E. Nichols.....	Jefferson.
Harold J. Hinman.....	Albany.

Fourth District

Edward C. Whitmyer.....	Schenectady.
John M. Kellogg.....	Ogdensburg.
Henry T. Kellogg.....	Plattsburg.
Charles C. Van Kirk.....	Greenwich.
Henry V. Borst.....	Amsterdam.
George R. Salisbury.....	Saratoga Spa.

Fifth District

Edgar S. K. Merrell.....	Lowville.
Irving R. Devendorf.....	Herkimer.
Irving G. Hubbs.....	Pulaski.
Leonard C. Crouch.....	Syracuse.
Jerome L. Cheney.....	Syracuse.
Claude B. Alverson.....	Dexter.
Frederick M. Calder.....	Utica.

Sixth District

Walter Lloyd Smith.....	Elmira.
Michael H. Kiley.....	Cazenovia.
George McCann	Elmira.
Rowland L. Davis.....	Cortland.
Abraham L. Kellogg.....	Oneonta.
Theodore R. Tuthill.....	Binghamton.

Seventh District

Adelbert P. Rich.....	Auburn.
William W. Clark.....	Wayland.
S. Nelson Sawyer.....	Palmyra.
Adolph J. Rodenbeck.....	Rochester.
Robert F. Thompson.....	Canandaigua.
John B. M. Stephens.....	Rochester.
Benjamin B. Cunningham.....	Rochester.

Eighth District

John S. Lambert.....	Fredonia.
Frank C. Laughlin.....	Buffalo.
John Woodward	Jamestown.
Frederick W. Kruse.....	Olean.
Louis W. Marcus.....	Buffalo.
Charles B. Wheeler.....	Buffalo.
Charles H. Brown.....	Buffalo.
Charles A. Pooley.....	Buffalo.
Harry L. Taylor.....	Buffalo.
Wesley C. Dudley.....	Buffalo.
George W. Cole.....	Salamanca.
Charles B. Sears.....	Buffalo.
Alonzo G. Hinkley.....	Buffalo.
George E. Pierce.....	Buffalo.

Ninth District

Martin J. Keough.....	New Rochelle.
Isaac N. Mills.....	Mt. Vernon.
Joseph Morschauser	Poughkeepsie.
Arthur S. Tompkins.....	Nyack.
J. Addison Young.....	New Rochelle.
William P. Platt.....	White Plains.
Albert H. F. Seeger.....	Newburgh.

HONORARY MEMBERS

(Pursuant to general resolution of the Association)

(Proceedings 1882, vol. VI, p. 130.)

MEMBERS OF THE PRESIDENT'S CABINET

Charles S. Fairchild.....	Cazenovia.
Robert Lansing	Watertown.
George W. Wickersham.....	New York.
Charles E. Hughes.....	New York.

UNITED STATES SENATORS FROM THIS STATE

Chauncey M. Depew.....	New York.
Elihu Root	New York.
James A. O'Gorman.....	New York.

GOVERNORS OF THIS STATE

Charles E. Hughes.....	New York.
Horace White	Syracuse.
William Sulzer	New York.
Martin H. Glynn.....	Albany.
Charles S. Whitman.....	New York.
Nathan L. Miller.....	Syracuse.

FORMER JUDGES OF THE COURT OF APPEALS

Willard Bartlett	Buffalo.
Edgar M. Cullen.....	Brooklyn.
Albert Haight	Buffalo.
Alton B. Parker.....	New York.
Samuel Seabury	New York.
Nathan L. Miller.....	Syracuse.
Morgan J. O'Brien.....	New York.
Frederick L. Collin.....	Elmira.
Abram I. Elkus.....	New York.

ATTORNEYS GENERAL OF THIS STATE

Simon W. Rosendale.....	Albany.
John C. Davies.....	Camden.
Julius M. Mayer.....	New York.
William S. Jackson.....	Buffalo.

Edward R. O'Malley.....	Buffalo.
Thomas Carmody	New York.
James A. Parsons.....	Albany.
Egburt E. Woodbury.....	Jamestown.
Merton E. Lewis.....	New York.
Charles D. Newton.....	Geneseo.

ENVOYS OR MINISTERS TO FOREIGN COUNTRIES

Oscar S. Straus.....	New York.
Herbert W. Bowen.....	Woodstock Ct.
Macgrane Coxe	New York.
Abram I. Elkus.....	New York.
James W. Gerard.....	New York.

HONORARY MEMBERS

(Elected pursuant to special resolution.)

- 1892 Melville M. Bigelow, LL. D.... Boston, Mass.
 1893 Alton B. Parker..... New York.
 1895 Ralph Stone Detroit, Mich.
 1899 Oliver Wendell Holmes..... Boston, Mass.
 1901 His Excellency Wu Ting-Fang,
 LL. D. Shanghai, China.
 1902 His Excellency Jules Cambon.... Paris, France.
 1902 James M. Beck..... Washington, D. C.
 1903 His Excellency, Baron Kogoro
 Takahira. Tokyo, Japan.
 1903 Dr. Rokuichiro Masujima..... Yokohama, Japan.
 1904 John Watson Foster..... Washington, D. C.
 1906 Horace Porter New York.
 1906 Richard H. Dana..... Boston, Mass.
 1907 Jacob M. Dickinson..... Chicago, Ill.
 1907 Thomas Nelson Page, LL. D.... Washington, D. C.
 1907 Harry St. George Tucker, LL. D.. Lexington, Va.
 1908 Rt. Hon. James Bryce, LL D.... Hindleap, Sussex,
 England
 1909 Francis Rawle Philadelphia, Pa.
 1909 Wallace Nesbit, K. C..... Toronto, Ont.
 1910 Joseph W. Bailey..... Dallas, Texas.
 1910 Wm. Renwick Riddell, B. A.,
 LL. D. Toronto, Ont.
 1911 George W. Wickersham..... New York.
 1912 Philander C. Knox..... Pittsburgh, Pa.
 1912 Simeon E. Baldwin..... New Haven, Conn.
 1912 His Excellency J. J. Jusserand... Washington, D. C.
 1913 Herbert S. Hadley..... Kansas City, Mo.
 1914 Edgar M. Cullen..... Brooklyn.
 1914 Sir Charles Davidson..... Montreal, Quebec.
 1915 William H. Taft..... New Haven, Conn.
 1916 Peter W. Meldrim..... Savannah, Ga.
 1917 Lindley M. Garrison..... New York.
 1918 Sir Frederick Edwin Smith.... London, England.
 1918 Orrin N. Carter..... Chicago, Ill.
 1919 David Jayne Hill..... Washington, D. C.
 1920 Charles S. Thomas..... Washington, D. C.
 1921 George Sutherland Washington, D. C.

LIFE MEMBERS

Elected

- 1902 Agar, John G. 31 Nassau street, New York.
 1901 Allds, J. P. Norwich.
 1921 Appleton, Francis R., Jr. 59 Wall street, New York.
 1921 Baldy, Christopher Buffalo.
 1918 Bard, Albert S. 25 Broad street, New York.
 1911 Barnard, Charles A. Plattsburg.
 1892 Barnard, Frederick. . . . Poughkeepsie.
 1891 Bogert, Henry L. 99 Nassau street, New York.
 1921 Botsford, Samuel B. Buffalo.
 1921 Breed, William C. 32 Liberty street, New York.
 1905 Brennan, John F. Yonkers.
 1917 Briesen, Hans v. 25 Broad street, New York.
 1916 Brown, Frederick M. . . . 54 Wall street, New York.
 1895 Brown, Louis M. Glens Falls.
 1882 Bruno, Richard M. 10 E. 130th street, New York.
 1920 Bullowa, Emilie M. 32 Broadway, New York.
 1906 Bunce, George H. Herkimer.
 1921 Burrill, Middleton S. . . . 24 Broad street, New York.
 1909 Byard, James J., Jr. Cooperstown.
 1920 Chadbourne, William M. 165 Broadway, New York.
 1905 Charles, Elmer E. Warsaw.
 1909 Chrystie, T. Ludlow. . . . 19 Cedar street, New York.
 1900 Clarke, R. Floyd. 26 Liberty street, New York.
 1915 Coville, Henry D. Central Square.
 1920 Crapser, John C. Massena.
 1919 Crocker, Frank L. 5 Nassau street, New York.
 1921 Curren, Hector Mc G. . . . 375 Fulton street, Brooklyn.
 1916 Davison, Alfred T. 50 Court street, Brooklyn.
 1904 Davison, Charles M. Saratoga Springs.
 1904 Davison, George W. 26 Court street, Brooklyn.
 1905 Davy, James R. Rochester.
 1916 De Friese, Lafayette H. . . London, England.
 1885 Delafield, Albert. Greenport.

NOTE.—The year set opposite the name represents the date when Life Membership certificate was issued.

Elected

- 1921 Delafeld, Lewis L..... 20 Exchange Pl., New York.
1887 Depew, Chauncey M..... 466 Lexington avenue, N. Y.
1885 Dickerson, Edward N... 141 Broadway, New York.
1906 Dickerson, William L.... Middletown.
1920 Dillingham, Frank A.... 62 Cedar street, New York.
1885 Dixon, William P..... 32 Liberty street, New York.
1911 Du Bois, William M..... White Plains.
1905 Ewing, Hampton D..... 160 Broadway, New York.
1921 Durkin, Edmund L..... 32 Nassau St., New York.
1921 Ewing, Thomas 160 Broadway, New York.
1913 Falck, Alexander D..... Elmira.
1905 Fallows, Edward H..... Norfolk, Conn.
1914 Fleischmann, Simon. Buffalo.
1921 Fordham, Herbert L.... 111 Broadway, New York.
1912 Fosdick, J. Sheldon..... Jamaica.
1906 Fosdick, Lewis L..... Jamaica.
1904 Fowler, John Curtis..... Syracuse.
1905 Fox, Austen G..... 45 Wall street, New York.
1920 Frueauff, Charles A.... 60 Wall street, New York.
1920 Furman, William L..... 84 Cotton Exchange, New York.
1921 Gannon, Frank S., Jr... 2 Rector street, New York.
1916 Geller, Frederick. 22 Exchange place, N. Y.
1910 Gennert, Henry G..... 149 Broadway, New York.
1883 Gerry, Elbridge T..... 258 Broadway, New York.
1920 Gibbons, Austin Flint... 269 Madison Ave., New York.
1896 Gifford, James M..... 60 Broadway, New York.
1919 Gilbert, Francis..... 43 Exchange place, New York.
1912 Gilroy, Thomas F., Jr... 120 Broadway, New York.
1905 Goff, Frank M..... Rochester.
1921 Goldman, Herman 120 Broadway, New York.
1904 Gordon, William C..... Troy.
1911 Grattan, William J..... Albany.
1919 Grossman, Moses H..... 115 Broadway, New York.
1921 Gulick, Archibald A.... 120 Broadway, New York.

1909	Guthrie, William D.....	44 Wall street, New York.
1900	Ham, Thomas H.....	Albany.
1914	Hamers'ey, Andrew S...	309 Broadway, New York.
1920	Hamilton, Edward W...	Buffalo.
1917	Hare, Georgia.....	Groton.
1917	Hare, John J.....	Groton.
1902	Harris, Albert H.....	Grand Central Term., N. Y.
1904	Harrison, Francis B.....	1721 H street, N. W., Wash- ington, D. C.
1921	Harwood, Charles	77 Cortlandt street, N. Y.
1891	Hawes, Gilbert R.....	20 Vesey street, New York.
1903	Hayes, Alfred.....	14 Wall street, New York.
1902	Hedges, Job E.....	165 Broadway, New York.
1921	Henry, Lewis	Elmira.
1910	Herrick, Newton J.....	Canajoharie.
1909	Herzog, Paul M.....	120 Broadway, New York.
1920	Hickox, Charles R.....	27 William street, New York.
1903	Hirschberg, Henry. . . .	Newburgh.
1921	Hotchkiss, Charles E....	34 Nassau street, New York.
1904	Hottenroth, Adolph C...	261 Broadway, New York.
1919	Hubbard, John.....	60 Wall street, New York.
1918	Hubbell, Walter S.....	Rochester.
1916	Hurd, Walter C.....	Buffalo.
1904	Hurry, Randolph.....	80 Maiden lane, New York.
1904	Ingalls, Melville E., Jr...	27 Cedar street, New York.
1915	Ingraham, Phoenix. . . .	120 Broadway, New York.
1920	Irvine, Frank.....	Ithaca.
1914	Jackson, Percy.	43 Cedar street, New York.
1921	Jackson, Robert H.....	Jamestown.
1907	Jacobs, Abraham L.....	30 Broad street, New York.
1915	Jaretzki, Alfred.	49 Wall street, New York.
1921	Jenney, William S.....	90 West street, New York.
1899	Jennings, Frederick B...	15 Broad street, New York.
1921	Karelsen, Eph. A.....	87 Nassau street, New York.

Elected

- 1915 Keogh, Thomas F. 233 Broadway, New York.
 1901 Kernochan, J. Frederic.. 141 Broadway, New York.
 1905 Kiddle, Alfred W. 115 Broadway, New York.
 1906 Kilmer, Clarence B. Saratoga Springs.
 1919 Kinnicutt, Francis H. . . . 120 Broadway, New York.
 1903 Kneeland, A. Delos. 115 Broadway, New York.
 1920 La Fetra, Edward B. City Court, New York.
 1909 Lauer, Edgar J. 624 Madison avenue, N. Y.
 1906 Leach, John Anderson.. Long Island City.
 1885 Leeds, Theodore E. 32 Nassau street, New York.
 1897 Lewis, Ceylon H. Syracuse.
 1911 Lewis, Roger. 44 Wall street, New York.
 1904 Lincoln, C. Z. Buffalo.
 1916 Lovelace, Frederick L. . . . Niagara Falls.
 1913 Lustgarten, William. . . . 68 William street, New York.
 1921 Mahon, William J. 111 Broadway, New York.
 1902 MacVeagh, Charles. 15 Broad street, New York.
 1883 Man, Frederick H. 56 Wall street, New York.
 1904 Marshall, Louis. 120 Broadway, New York.
 1904 McCurdy, Delos. 66 Broadway, New York.
 1906 McDermott, Charles J. . . . 2 Rector street, New York.
 1894 McElhinney, James W. . . . 41 Park Row, New York.
 1916 McGoldrick, Edward J. . . . 20 Exchange Pl., New York.
 1921 McInerney, John J. Rochester.
 1921 McKinney, Glenn Ford.. 52 William street, New York.
 1905 McMahon, John D. Rome.
 1910 Mehan, William A. Ballston Spa.
 1916 Mercer, George, Jr. 266 W. 23d street, New York
 1921 Merle-Smith, Van S. Dept. of State, Wash., D. C.
 1903 Millard, Frank V. Tarrytown.
 1902 Minrath, Ferdinand R. . . . 22 William street, New York.
 1921 Mooney, Edmund Luis. . . . 38 Pine street, New York.
 1903 Morawetz, Victor. 44 Wall street, New York.
 1920 Neilson, Robert H. 52 William street, New York.
 1885 Norwood, Carlisle. 12 East 44th St., New York.

Elected

- 1917 O'Brian, Roland Lord.. Buffalo.
 1898 Olcott, J. Van Vechten.. 80 Maiden lane, New York.
 1909 Olin, Stephen H..... 34 Nassau street, New York.
 1889 Onderdonk, Andrew J.. 34 Pine street, New York.
 1885 Opdyke, William S..... 35 Nassau street, New York.
 1919 Otheman, Edward R.... 31 Nassau street, New York.
 1918 Page, William H..... 60 Liberty street, New York.
 1903 Philip, James P..... Catskill.
 1896 Pierce, D. A..... Syracuse.
 1915 Pollak, Walter H..... 111 Broadway, New York.
 1912 Rand, William, Jr..... 37 Wall street, New York.
 1915 Rathgeber, Emile E.... Long Island City.
 1903 Reed, J. DeVere..... Richfield Springs.
 1917 Reed, Lansing P..... 15 Broad street, New York.
 1903 Richardson, Samuel M.. 2 Rector street, New York.
 1903 Riker, Samuel, Jr..... 19 Cedar street, New York.
 1898 Rosendale, Simon W... Albany.
 1907 Rushmore, Charles E.... 61 Broadway, New York.
 1921 Russell, Philip W..... 14 Wall street, New York.
 1907 Satterlee, Herbert L.... 49 Wall street, New York.
 1919 Schechter, Jacob..... 10 Wall street, New York.
 1916 Scudder, Edward M.... 59 Wall street, New York.
 1921 Seidman, Joseph A..... 63 Park Row, New York.
 1903 Seymour, Eugene F.... Morrisburg, Ontario.
 1890 Sheldon, Edward W.... 45 Wall street, New York.
 1919 Sherrill, Charles H.... 20 E. 65th street, New York.
 1912 Sidway, Frank S..... Buffalo.
 1920 Simpson, Alexander Jersey City, N. J.
 1913 Smith, A. Page..... Albany.
 1921 Smith, Claude V..... Oneonta.
 1920 Smith, Elwood C..... Monroe.
 1907 Smith, George Herbert.. Rochester.
 1908 Smith, Henry. 261 Broadway, New York.
 1921 Smith, John Thomas.... 224 W. 57th St., New York.
 1921 Smith, Leonard Hull.... 14 Wall street, New York.

1909 Smith, Ray B. Syracuse.
1907 Spann, Albert C. Buffalo.
1917 Stanfield, Otto M. 150 Broadway, New York.
1902 Stern, Abraham. 31 Nassau street, New York.
1914 Stier, Joseph F. 11 Broadway, New York.
1890 Stiger, William E. 149 Broadway, New York.
1921 Stowe, Franklin D. L. . . . Buffalo.
1921 Stowell, Harley L. 61 Broadway, New York.
1901 Sulzer, William. 115 Broadway, New York.
1906 Sutton, John M. Ovid.
1919 Swain, Chester O. 26 Broadway, New York.
1911 Sweetland, Monroe M. . . Ithaca.
1921 Taft, Henry W. 40 Wall street, New York.
1921 Tanzer, Laurence Arnold Mt. Vernon.
1921 Tausch, J. Franklin. . . . 32 Broadway, New York.
1914 Taylor, Myron C. 346 Broadway, New York.
1909 Tennant, Willis H. Buffalo.
1917 Thompson, J. Campbell. . 63 Wall street, New York.
1921 Thorne, Samuel, Jr. . . . 27 Cedar street, New York.
1917 Tully, William J. 1 Madison avenue, N. Y.
1920 Turner, William L. 84 Cotton Exchange, New
York.
1920 Uterhart, Henry Ayers. . 27 Cedar street, New York.
1917 Van Benschoten, W. H. . 43 Exchange Place, N. Y.
1912 Van Voast, James A. . . . Schenectady.
1912 Voris, Stephen H. Jamaica.
1904 Walker, George H. Grand Central Term., N. Y.
1921 Walter, Henry 154 Nassau street, New York.
1916 Wardwell, Allen. 15 Broad street, New York.
1905 Warner, Elton D. Dunkirk.
1885 Waterbury, Nelson J. . . . Manhattan Club, New York
1921 Weed, Richmond 154 Nassau street, New York.
1907 Westfall, D. M., Jr. Cambridge.
1900 Whalen, John. 450 W. 155th St., New York.

Elected

- 1912 White, Carleton H. Buffalo.
1897 White, Edward P. Buffalo.
1899 Wilkie, John L. 2 Wall street, New York.
1916 Wilkin, Robert J. 194 Clinton street, Brooklyn.
1919 Williams, William. 15 Broad street, New York.
1904 Winthrop, Bronson. . . . 32 Liberty street, New York.
1909 Wise, Edmond E. 15 William street, New York.
1904 Wiswall, Irving W. Ballston Spa.
1921 Witschief, Graham Newburgh.
1921 Wood, Howard Orton. . Jamaica.
1915 Wright, Wendell J. 50 Church street, New York.
1907 Wright, William B., Jr. . Buffalo.
1918 Zabriskie, George. 49 Wall street, New York.

(216 Life Members.)

MEMBERS

Elected

1916 Abberley, Lester S.....	277 Broadway, New York
1903 Abbot, Everett V.....	45 Cedar street, New York
1920 Abbott, Frank A.....	Buffalo
1912 Abbott, Henry H.....	32 Liberty street, New York
1911 Abbott, John B.....	Rochester
1912 Abney, John R.....	27 William street, New York
1915 Abromeit, Carl Martin.....	15 Dey street, New York (Elizabeth, N. J.)
1889 Acker, Milo M.....	Hornell
1902 Ackerly, Samuel LeRoy....	Northport
1914 Ackerson, Fred M.....	Niagara Falls
1892 Adams, Charles T.....	165 Broadway, New York
1893 Adams, Elbridge L.....	522 Fifth avenue, New York
1904 Adams, George A.....	Salamanca
1913 Adams, Fred B.....	Utica
1920 Adams, Harold J.....	Buffalo
1921 Adams, Irene Bennett.....	Mt. Kisco
1913 Adel, Frank F.....	Evergreen
1902 Addington, George	Albany
1916 Addoms, Mortimer C.....	15 William street, New York
1914 Adler, Arthur J.....	Buffalo
1901 Adler, Isaac	Rochester
1910 Adler, Simon L.....	Rochester
1913* Affeld, Francis O., Jr.....	141 Broadway, New York
1902§ Agar, John G.....	31 Nassau street, New York
1887 Aiken, E. C.....	Albany
1905 Ainsworth, Danforth E....	Albany
1915 Albro, Preston M.....	Buffalo
1920* Alcock, William A.....	44 Wall street, New York
1892 Alden, Carlos C.....	Buffalo
1901 Aldrich, Charles S.....	Troy
1909 Aldrich, Herbert G.....	Gouverneur
1919 Aldrich, Winthrop W.....	37 Wall street, New York
1903† Alexander, Charles B.....	120 Broadway, New York
1913 Alexander, Edward A.....	165 Broadway, New York
1917 Alexander, Harold D.....	Albany
1903 Alexander, Henry M.....	55 William street, New York
1904 Alger, Edmond C.....	233 Broadway, New York
1906 Alger, George W.....	71 Broadway, New York
1895§ Allds, J. P.....	Norwich
1915 Allen, Benjamin I.....	Plattsburg
1908 Allen, Frederick L.....	34 Nassau street, New York
1918 Allen, Ray R.....	27 William street, New York
1921 Allen, William	149 Broadway, New York
1916 Allen, William L.....	Malone
1911 Allen, Yorke	128 Broadway, New York (South Orange, N. J.)
1919 Allison, Isaac	Elmira
1917‡ Alverson, Claude B.....	Justice Supreme Court, Watertown
1919 Ames, Morse E.....	Cortland
1901* Anable, Courtland V.....	61 Broadway, New York
1912 Anderson, Chandler P.....	15 Broad street, New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1918 Anderson, Ellery O.....	25 Broad street, New York
1904 Anderson, George E.....	Carmel
1913 Anderson, Harry G.....	66 Court street, Brooklyn
1920 Anderson, Roger H.....	68 William street, New York
1913 Anderton, Stephen P.....	52 William street, New York
1909 Andrade, C., Jr.....	300 Madison avenue
1883 Andrews, Arthur L.....	Albany
1892 Andrews, Charles W.....	Syracuse
1914 Andrews, Creighton S.....	Olean
1912 Andrews, George F.....	Owego
1914 Andrews, James DeWitt....	51 Chambers street, New York
1899† Andrews, William S.....	Justice Court of Appeals, Syracuse
1904 Andrus, C. L.....	3714 Grand Central Term., N. Y. (Stamford, N. Y.)
1915 Andrus, Leroy	Buffalo
1901 Angell, Edward M.....	Glens Falls
1902 Anibal, Lee S.....	Northville
1914 Annabel, Charles C.....	Waverly
1921 Anson, Martin C.....	100 Broadway, New York
1921 Arnold, William C.....	120 Broadway, New York
1892 Aplington, Henry	299 Broadway, New York
1908 Appell, Albert J.....	12 East 44th street, New York
1917 Appell, George C.....	Mt. Vernon
1913 Appleton, Charles W.....	120 Broadway, New York
1917§ Appleton, Francis R., Jr....	59 Wall street, New York
1917 Aranow, Frank	27 Cedar street, New York
1915 Archer, Francis L.....	114 Liberty street, New York
1915 Arkush, Ralph M.....	37 Wall street, New York
1918 Armstrong, Lorenzo D.....	40 Wall street, New York
1901 Armstrong, Louis	Grand Mere, Quebec
1920 Armstrong, William C.....	52 William street, New York
1909 Armstrong, William W.....	Rochester
1912* Arnold, Carrington G.....	45 Wall street, New York
1918 Arnold, Joseph A.....	22 William street, New York
1915 Aron, Harold G.....	50 Pine street, New York
1915* Aronstam, Charles S.....	100 Broadway, New York
1919 Asch, David	55 Liberty street, New York
1906† Aspinall, Joseph	Justice Supreme Court, Brooklyn
1915 Auchincloss, Gordon	61 Broadway, New York
1903 Auerbach, Joseph S.....	34 Nassau street, New York
1920 Augspurger, Owen B.....	Buffalo
1907 Austin, George C.....	42 Broadway, New York
1912 Avery, Brainard	5 Nassau street, New York
1921 Axtell, S. B.....	9 State street, New York
1913 Babbage, Richard G.....	111 Broadway, New York
1919 Babcock, Cleveland G.....	Buffalo
1919* Babcock, H. Howard.....	233 Broadway, New York
1904 Babcock, Louis L.....	Buffalo
1916 Bachrach, Herman S.....	957 Broadway, Brooklyn
1915 Backus, Grosvenor H.....	175 Broadway, New York (Engle- wood, N. J.)
1919 Backus, Oswald P.....	Rome
1913 Bacon, Henry Selden.....	15 Broad street, New York
1919 Bailey, Howard D.....	Syracuse
1910† Bailey, Joseph W.....	Dallas, Texas

* Residence in Second District.

§ Life member.

† Honorary member.

Elected

1916 Bailey, Leon O.....	100 Broadway, New York
1913 Bailly, Edward C.....	24 Broad street, New York
1920 Baily, Harold James.....	32 Liberty street, New York
1913 Baiter, Charles W. G.....	56 Wall street, New York (Short Hills, N. J.)
1876 Baker, A. D. L.....	Gloversville
1908 Baker, Ellsworth	Hurleyville
1913 Baker, Joseph J.....	34 Nassau street, New York
1915 Baker, Merritt N.....	Buffalo
1913 Baker, William B.....	Gloversville
1919 Baker, William J.....	Rochester
1913 Baldwin, Edwin	31 Nassau street, New York
1913 Baldwin, E. J.....	Elmira
1912 Baldwin, Henry deForest...	25 Broadway, New York
1912 Baldwin, Roger S.....	120 Broadway, New York (Greenwich, Conn.)
1912†Baldwin, Simeon E.....	New Haven, Connecticut
1917 Baldwin, Stephen C.....	190 Montague street, Brooklyn
1920§Baldy, Christopher	Buffalo
1913*Ballin, Nathan	61 Broadway, New York
1904 Bancroft, Earl	Edwards
1921 Bandler, Harry S.....	2 Rector street, New York
1898 Banks, Charles G.....	New Rochelle
1908 Banton, Joab H.....	32 Franklin street, New York
1909 Barber, Arthur William....	34 Nassau street, New York (Chazy, N. Y.)
1919 Barber, Cyrus L.....	Buffalo
1919 Barber, Harry	Syracuse
1912§Bard, Albert S.....	25 Broad street, New York
1917 Baright, Clarice Margoles..	170 Broadway, New York
1915 Barker, Allen J.....	Syracuse
1913 Barker, Frank C.....	Mattituck
1901 Barker, Harry C.....	Poughkeepsie
1904§Barnard, Charles A.....	Plattsburg
1892§Barnard, Frederick	Poughkeepsie
1919 Barnes, Earle B.....	U. S. Attorney's Office, New York
1904 Barnes, Ezra A.....	Oswego
1918 Barnes, Henry B.....	31 Nassau street, New York
1920 Barnes, Howard F.....	Rochester
1913 Barnett, R. H.....	Newburgh
1892 Barnum, Frederick S.....	White Plains
1897 Barnum, James W.....	Cherry Valley
1897 Barnum, Sylvester W.....	Cherry Valley
1903†Barnum, William M.....	10 Wall street, New York
1921 Baron, Saul J.....	34 Nassau street, New York
1896 Barrett, Henry Robertson..	White Plains
1916 Barry, Herbert	59 Wall street, New York
1915 Barthel, Leonard A.....	375 Fulton street, Jamaica
1917 Bartholomew, A. G.....	Buffalo
1912 Bartlett, Eugene M.....	664 Ellicott Square, Buffalo
1919 Bartlett, John P.....	120 Broadway, New York
1903 Bartlett, Philip G.....	62 Cedar street, New York
1885†Bartlett, Willard	31 Nassau street, New York
1903 Baskerville, Thomas H.....	7 Dey street, New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1902 Bass, Lyman M.....	Buffalo
1912*Bassett, Edward M.....	277 Broadway, New York
1915 Bates, Kahl C.....	80 Maiden lane, New York
1907 Battle, George Gordon.....	37 Wall street, New York
1915 Bauer, Oswald A.....	Sparkill
1921 Bauerdorf, Charles R.....	256 Broadway, New York
1920 Baxter, A. P.....	Port Washington
1916 Baxter, Charles M., Jr.....	Mamaroneck
1917 Bayes, William R.....	40 Wall street, New York
1918 Baylies, Edmund L.....	54 Wall street, New York
1902 Baylies, Edwin	Johnstown
1904*Baylis, Willard N.....	141 Broadway, New York
1910*Bayne, Howard R.....	290 Broadway, New York
1909 Beach, Daniel M.....	Rochester
1919 Beach, George C.....	19 West 44th street, New York
1919 Beadleston, Henry C.....	120 Broadway, New York
1914 Beals, Elton H.....	Buffalo
1903 Beam, William H.....	45 Wall street, New York
1913 Bean, Charles D	Geneva
1912 Beardsley, Porter	Auburn
1912 Beardsley, Samuel A.....	64 Wall street, New York (Utica)
1920 Beardsley, Thomas H.....	64 Wall street, New York
1912 Beattie, Clifford S.....	Warwick
1914 Beattie, Thomas A. S.....	56 Pine street, New York (Spring Valley)
1908 Beatty, Robert C.....	68 William street, New York
1917 Bechtel, Edwin DeT.....	54 Wall street, New York (Plainfield, N. J.)
1911 Beck, Frank	Owego
1916 Beck, Harry M.....	Liberty
1902†Beck, James M.....	Washington, D. C.
1920 Beck, S. Rowena.....	Owego
1904 Becker, Alfred L.....	60 Broadway, New York
1893 Becker, August	Buffalo
1911 Becker, Owen C.....	Oneonta
1920 Beckwith, George H.....	Yonkers
1902 Bedell, Louis	Poughkeepsie
1912 Beecher, William C.....	233 Broadway, New York
1902 Beekman, Charles K.....	52 William street, New York
1902 Beekman, Dow	Middleburgh
1912 Beers, Lucius H.....	49 Wall street, New York (Westhampton Beach, L. I.)
1913 Begg, William R.....	24 Broad street, New York
1921 Beha, James A.....	233 Broadway, New York
1904 Behan, Joseph C.....	Troy
1892 Bell, Charles	Herkimer
1920 Bell, Frank A.....	Waverly
1914 Bender, Melvin	Albany
1903 Benedict, Abraham	149 Broadway, New York
1912†Benedict, Russell	Justice Supreme Court, Brooklyn
1920 Bennett, Lawrence	37 Wall street, New York
1912 Benson, Charles B.....	12 S. 4th street, Hudson
1918 Bentley, Frank S.....	Horseheads
1908 Bentley, Norman S	Oswego
1915 Berger, Samuel A.....	115 Broadway, New York

* Residence in Second District.

† Honorary member.

Elected

1921 Bergh, Louis O.....	27 Cedar street, New York
1914 Bermant, Jacob W.....	41 Park Row, New York
1921 Bernard, Robert W.....	165 Broadway, New York
1921 Bernstein, Saul	149 Broadway, New York
1895 Berry, Carroll	180 Broadway, New York
1920 Betts, Cortland	55 Wall street, New York
1913 Betts, Ira P.....	Phoenix
1890 Betts, James A.....	Kingston
1907 Betts, Samuel R.....	52 William street, New York
1902 Bevins, Stanley H.....	51 Chambers street, New York
1908†Bickford, Herbert J.....	60 Wall street, New York
1912 Bien, Franklin	5 Beekman street, New York
1919 Bier, Sylvan	45 John street, New York
1914 Bigelow, Ernest A.....	15 William street, New York
1892†Bigelow, M. M.....	Boston, Mass.
1910†Bijur, Nathan	51 Chambers street, New York
1903 Binse, Louis E.....	1 West 54th street, New York
1912 Birmingham, William G....	Liberty
1912 Bishop, James L.....	2 Rector street, New York
1909 Bissell, Frederick O.....	Buffalo
1917 Bissing, William F.....	2 Rector street, New York
1916 Bixby, J. J.....	Norwich
1909 Black, William Harman....	233 Broadway, New York
1890†Blackmar, Abel E.....	Justice Supreme Court, Brooklyn
1906 Blackwell, George E.....	63 Wall street, New York
1921 Blackwell, James M.....	63 Wall street, New York
1917 Bladen, John T.....	44 Court street, Brooklyn
1920 Blair, Charles F.....	Buffalo
1919 Blair, Joseph Paxton.....	165 Broadway, New York
1913 Blair, Odell R.....	Buffalo
1914 Blakeslee, Charles G.....	Binghamton
1919 Blakeslee, Harvey D., Jr....	Buffalo
1920 Blanchfield, James A.....	2 Rector street, New York
1913 Blau, William	49 Chambers street, New York
1911†Blauvelt, George A.....	61 Broadway, New York
1913 Bleakley, William F.....	Yonkers
1911 Blessing, A. T.....	Schenectady
1916 Bloch, Adolph	99 Nassau street, New York
1920 Bloch, Henry	99 Nassau street, New York
1920 Bloch, Maurice	51 Chambers street, New York
1919 Block, Herman	17 Battery Place, New York
1904 Bloodgood, Albert C.....	Catskill
1893 Bloodgood, Clarence E.....	Catskill
1916†Blumenthal, Eugene	507 Fifth avenue, New York
1904 Blumenthal, Maurice B.....	981 Park avenue, New York
1916 Boardman, Philip W.....	120 Broadway, New York
1917 Bodman, Charles S., Jr.....	Gouverneur
1920 Bode, George M.....	Freeport
1913 Boese, Quincy Ward.....	155 West 58th street, New York
1889*§Bogert, Henry L.....	99 Nassau street, New York
1913 Bogue, Morton G.....	52 William street, New York
1920 Boine, Charles F.....	Buffalo
1915 Boire, Victor F.....	Plattsburg
1921 Boies, Edward B.....	27 Cedar street, New York
1917 Boland, John A.....	85 Clinton street, Brooklyn

* Residence in Second District.

† Residence in Ninth District.

‡ Honorary member.

Elected

1916 Boles, Edgar H.....	143 Liberty street, New York
1893 Bomeisler, Louis E.....	100 Broadway, New York
1911 Bond, George Hopkins.....	Syracuse
1914 Bondy, William	149 Broadway, New York
1913 Bonney, Nelson P.....	Norwich
1916 Bonyng, Robert W.....	71 Broadway, New York
1917 Bootey, Edward R.....	Jamestown
1920 Booth, John H.....	Plattsburgh
1915 Borland, Middleton S.....	7 Dey street, New York
1888†Borst, Henry V.....	Justice Supreme Ct., Amsterdam
1915 Borst, Homer J.....	Schenectady
1912 Boshart, Edward J.....	Lowville
1918 Boskowitz, Adolph	527 Fifth avenue, New York
1904 Bosley, Edward R.....	Buffalo
1907 Boston, Charles A.....	24 Broad street, New York
1903 Bostwick, Charles F.....	2 Rector street, New York
1920 Bostwick, Edward H.....	Ithaca
1915 Botham, Ralph W.....	45 William street, New York
1920§Botsford, Samuel B.....	Buffalo
1914*Boudin, Louis B.....	110 West 40th street, New York
1903 Bouvier, J. Vernon, Jr.....	165 Broadway, New York
1921 Bovey, John M.....	32 Liberty street, New York
1899†Bowen, Herbert W.....	Woodstock, Connecticut
1892 Bowen, James R.....	280 Broadway, New York (Jersey City)
1915 Bowers, William C., 2d.....	Criminal Courts Bldg., New York
1911 Bowman, Frank	Lowville
1918 Boyd, R. Douglas.....	Gloversville
1904 Boyd, Thomas Edward.....	Buffalo
1912 Boyesen, Hjalmar H.....	49 Wall street, New York
1916 Boyle, John, Jr.....	2806 Third avenue, New York
1913 Boyle, John Wellington.....	Saugerties
1907 Bradbury, Harry B.....	141 Broadway, New York
1921 Bragaw, Allen C.....	140 Liberty street, New York
1903 Brainard, John Morgan.....	Auburn
1902 Brainerd, Ira H.....	253 Broadway, New York
1913 Braisted, John M.....	Port Richmond
1921 Branch, Clifford E.....	Buffalo
1916†Brandeis, Louis D.....	Justice U. S. Supreme Court, Washington, D. C.
1921 Brandner, Benjamin J.....	15 William street, New York
1916 Breed, James McV.....	32 Liberty street, New York
1913§Breed, William C.....	32 Liberty street, New York
1909 Breitbart, Bernard	309 Broadway, New York
1915 Brendel, Henry W.....	Buffalo
1916 Brennan, James J.....	Hudson
1892§Brennan, John F.....	Yonkers
1921 Brennan, Joseph P.....	21 Park Row, New York
1910 Brennan, Russell H.....	Utica
1915 Brennan, William, Jr.....	Buffalo
1913 Brenner, Jacob	26 Court street, Brooklyn
1920*Brenner, Mortimer	111 Broadway, New York
1913 Brewer, Charles Temple....	Cooperstown
1912 Brewster, Joseph	170 Broadway, New York
1920 Brewster, Morell K.....	Syracuse.

* Residence in Second District.

§ Life member.

† Honorary member.

Elected

1919 Brewster, Neal	Syracuse
1913 Brice, Wilson B.	100 Broadway, New York
1912§ Briesen, Hans v.	25 Broad street, New York
1919 Briggs, Cyrus W.	Schenectady
1913 Briggs, Frank D.	Tarrytown
1903 Briggs, Walter	Schenectady
1916 Bright, John	Middletown
1896 Brinnier, William D.	Kingston
1919 Brinnier, William D., Jr.	Kingston
1919 Bristol, George W.	20 Broad street, New York
1907 Britt, Philip J.	27 William street, New York
1914 Britt, T. Louis A.	271 Broadway, New York
1921 Broadwin, I. L.	55 Liberty street, New York
1916 Brodek, Charles A.	44 Cedar street, New York
1916 Broderick, John H.	Troy
1916 Bromberg, Philip M.	50 Court street, Brooklyn
1921 Bromberger, Edgar	56 Pine street, New York
1906 Bronk, John S.	Rochester
1898 Bronner, Myron G.	Little Falls
1920 Brooks, George Bruce.	56 Pine street, New York
1918 Brooks, Lawrence R.	Rio Grande, Texas
1903 Brosmith, William	Hartford, Connecticut
1915 Brower, Bert H.	Canajoharie
1902 Brown, Alfred S.	62 William street, New York
1903† Brown, Charles F.	Newburgh
1898† Brown, Charles H.	Justice Supreme Court, Buffalo
1913 Brown, Charles Paul.	10 Wall street, New York
1916 Brown, Charles Wells.	Riverhead
1920 Brown, Edgar F.	Syracuse
1889 Brown, Edwin H.	437 Fifth avenue, New York
1912 Brown, Edwin J.	Oneida
1885 Brown, Elon R.	Watertown
1904 Brown, Frank H.	Ballston Spa
1919 Brown, Franklin R.	Buffalo
1912§ Brown, Frederick M.	54 Wall street, New York (Washington, D. C.)
1919 Brown, Harry K.	Hornell
1919 Brown, Harvey L.	Buffalo
1915 Brown, Henry M.	Watertown
1906 Brown, Hubert L.	Norwich
1894§ Brown, Louis M.	Glens Falls
1901 Brown, Pierre M.	Whitehall Building, New York
1920* Brown, Richmond L.	20 Exchange place, New York
1892 Brown, Samuel H.	Poughkeepsie
1887 Brown, Selden S.	Rochester
1912 Brown, Wilson, Jr.	White Plains
1907 Browne, G. Morgan.	29 Broadway, New York
1919 Brownell, George F.	50 Church street, New York
1915 Bruce, H. Duane.	Syracuse
1908 Bruce, M. Linn.	68 William street, New York
1917* Brumley, Edward R.	Grand Central Term., New York
1882§ Bruno, Richard M.	10 E. 130th street, New York
1913* Brush, Gilbert P.	120 Broadway, New York
1908† Bryce, James	Hindleap, Sussex, England

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1921 Buchner, Charles E.....	120 Broadway, New York
1917 Buck, Asahel J.....	Cortland
1913 Buck, Jerome H.....	2 Rector street, New York
1912 Buckbee, Monmouth S.....	White Plains
1921 Buckley, Charles A.....	14 Wall street, New York
1921 Buckley, John T.....	Binghamton
1918 Buckner, Emory R.....	31 Nassau street, New York
1921 Budd, Bern	111 Broadway, New York
1898 Bulger, Charles N.....	Oswego
1907 Bull, Charles C.....	27 William street, New York
1909 Bull, Henry Adsit.....	Buffalo
1909§Bullowa, Emilie M.....	32 Broadway, New York
1902§Bunce, George H.....	Herkimer
1919 Bunn, Frederick A.....	32 Court street, Brooklyn
1918 Burd, George B.....	Buffalo
1901 Burghard, Edward M.....	111 Broadway, New York
1913 Burkan, Nathan	1451 Broadway, New York
1919 Burke, James, Jr.....	Port Richmond
1921 Burke, John F.....	111 Broadway, New York
1909 Burke, Thomas C.....	Buffalo
1919 Burleigh, George W.....	27 Cedar street, New York
1918 Burlingame, Alvah W., Jr..	391 Fulton street, Brooklyn
1916 Burlingame, Frederic A.....	27 Cedar street, New York
1912 Burlingham, Charles	27 William street, New York
1902 Burlingham, Charles C.....	27 William street, New York
1912 Burns, Arthur J.....	Yonkers
1907 Burnside, Russell B.....	1764 Vyse avenue, New York
1893†Burr, William P.....	Justice Supreme Court, New York
1903§Burrill, Middleton S.....	24 Broad street, New York
1920 Burritt, Robert J.....	Auburn
1917 Burrough, Robert D.....	Yonkers
1912 Burrows, Albert C.....	Albion
1917 Burtch, A. Howard.....	Fonda
1913 Burton, Frank	Gloversville
1920 Bush, Myron P.....	Buffalo
1917*Butcher, David F.....	1 Madison avenue, New York
1902 Butler, Charles H.....	1535 I street, Washington, D. C.
1913*Butler, Charles Stewart....	32 Nassau street, New York
1902 Butler, George C.....	St. Johnsville
1902 Butler, William Allen.....	54 Wall street, New York
1913*Butler, William E.....	41 Park Row, New York
1913 Butler, W. P.....	Saratoga Springs
1918 Buttenheim, P. R.....	Middletown
1920 Butterfield, Herbert B.....	Buffalo
1916 Butterworth, G. Forrest....	40 Wall street, New York
1911 Button, Henry O.....	Sodus
1919 Button, William H.....	120 Broadway, New York
1916 Buxbaum, Isidor	886 Broadway, Brooklyn
1900§Byard, James J., Jr.....	Cooperstown
1913*Byers, Mortimer W.....	41 Park Row, New York
1915 Byrd, William	59 Wall street, New York
1913 Byrne, Edward J.....	44 Court street, Brooklyn
1902 Byrne, James	24 Broad street, New York
1916 Byrne, John B.....	Borough Hall, Brooklyn
1919 Byrne, William T.....	Albany

* Residence in Second District.

§ Life member.

† Honorary member.

Elected

1921 Byrns, Richard S.....	149 Broadway, New York
1907 Caffey, Francis G.....	Old P. O. Building, New York
1913 Cahn, David B.....	66 Pine street, New York
1913†Calder, Frederick M.....	Justice Supreme Court, Utica
1913 Calderwood, T. Cuthell.....	Johnstown
1913 Caldwell, Everett	44 Court street, Brooklyn
1919 Caldwell, James H.....	115 Broadway, New York
1916†Callaghan, Stephen	Justice Supreme Court, Brooklyn
1916 Callahan, Frank	61 Broadway, New York
1912 Callahan, Patrick E.....	32 Court street, Brooklyn
1920 Callan, Frank H.....	Buffalo
1902†Cambon, Jules	Paris, France
1904 Cameron, William M.....	Glens Falls
1913 Camp, Charles M.....	2 Wall street, New York
1913 Campbell, Albert E.....	Canastota
1907 Campbell, Frederick B.....	54 Wall street, New York
1913 Campbell, George T.....	27 Madison avenue, New York
1910 Campbell, John L.....	Brocton
1921 Campbell, William J.....	233 Broadway, New York
1921 Campbell, William W.....	Lockport
1913 Candler, Robert W.....	48 Wall street, New York (Short Hills, N. J.)
1919 Cane, Melville H.....	31 Liberty street, New York
1903 Canfield, George F.....	49 Wall street, New York
1914 Canfield, Palmer, Jr.....	Kingston
1913 Cannon, Charles M.....	135 Broadway, New York
1908 Cannon, William C.....	15 Broad street, New York (Montclair, N. J.)
1912 Cantline, Peter	Newburgh
1912 Cantor, Jacob A.....	Municipal Bldg, New York
1919 Caplan, Samuel	79 State street, Albany
1904 Capron, B. A.....	Boonville
1913†Cardozo, Benjamin N.....	Judge Court of Appeals, N. Y.
1907 Cardozo, Michael H., Jr.....	128 Broadway, New York
1898 Carey, Martin	26 Broadway, New York
1915 Carlin, Walter Jeffreys.....	2 Rector street, New York
1910 Carlisle, Floyd L.....	Watertown
1892 Carlisle, John N.....	Watertown
1913 Carlson, Frank	132 Nassau street, New York
1913 Carman, Edward R.....	Jamaica
1913 Carman, Theron L.....	149 Broadway, New York
1893†Carmody, Thomas	61 Broadway, New York
1909 Carnahan, George A.....	Rochester
1903 Carnochan, William E.....	52 William street, New York
1893 Carpenter, Jas. Emerson....	59 Wall street, New York
1919 Carpenter, Louis S.....	165 Broadway, New York
1911 Carr, Clinton S.....	Syracuse
1890 Carr, Lewis E.....	Albany
1899 Carr, Norman	Norwich
1920 Carr, S. Fay.....	Buffalo
1900 Carroll, Fred Linus.....	Johnstown
1912 Carroll, Philip A.....	55 Wall street, New York
1916 Carter, Charles M.....	White Plains
1908 Carter, Jarvis P.....	1134 Madison avenue, New York
1918†Carter, Orrin N.....	Chicago, Illinois

† Honorary member.

Elected

1913 Cary, Guy	55 Wall street, New York
1915 Case, George B.....	14 Wall street, New York
1913 Case, George C.....	189 Montague street, Brooklyn
1910 Cassedy, William Fraser....	Newburgh
1901 Cassedy, William S.....	Gloversville
1916 Casson, Mordecai, Jr.....	Addison
1901 Castle, Kendall B.....	Rochester
1916 Chadbourne, Thos. L., Jr...	14 Wall street, New York
1911§Chadbourne, William M.....	165 Broadway, New York
1913 Chamberlain, Eugene V.....	Buffalo
1901 Chamberlin, Burton S.....	Elmira
1920 Chambers, Alexander J.....	Corona, L. I.
1920 Chambers, Harry B.....	115 Broadway, New York
1914 Chambers, Wilber W.....	Attorney-General Office, Albany
1917 Champlin, George M.....	Cortland
1913*Chancellor, Theodore B....	170 Broadway, New York
1915 Chaney, Ceylon G.....	Canton
1907 Chanler, Lewis S.....	346 Broadway, New York
1913 Chapman, George D.....	Syracuse
1902 Chapman, Levi Snell.....	Syracuse
1907 Chapman, Wm. P., Jr.....	The Tribune Building, New York
1919 Chappell, Charles C.....	Middletown
1902§Charles, Elmer E.....	Warsaw
1893†Chase, Emory A.....	Judge Court of Appeals, Catskill
1903 Chase, George	309 West 74th street, New York
1904 Chase, Giles A.....	Massena
1907†Chatfield, Thomas Ives.....	Judge U. S. Dist. Ct., Brooklyn
1901†Cheney, Jerome L.....	Justice Supreme Court, Syracuse*
1913 Cheney, O. H.....	78 Madison avenue, New York
1914 Cheney, Warren J.....	Corning
1888 Chester, Alden	Albany.
1904 Childs, Edwards H.....	59 Wall street, New York
1920 Chilvers, William	2 Rector street, New York
1887 Chipp, Howard	Kingston
1906 Chirurg, Isidore S.....	27 Cedar street, New York
1908*Chittick, Henry R.....	160 Broadway, New York
1908 Choate, Joseph H., Jr.....	60 Wall street, New York
1916*Chopak, Jules	29 Broadway, New York
1918 Chormann, Frederick	Niagara Falls
1915 Christian, Frank A.....	Canandaigua
1917 Christman, Adam	2311 Halleck avenue, Ridgewood
1912 Chrystie, Einar	39 W. 43rd street, New York
1907§Chrystie, T. Ludlow.....	19 Cedar street, New York
1904 Church, Frank B.....	Wellsville
1903 Church, Sanford T.....	Albion
1921 Churchill, Thomas W.....	63 Wall street, New York
1916 Cirillo, Philip J.....	Troy
1916 Claessens, Frederick C.....	Troy
1913 Clare, J. L.....	11 Broadway, New York
1907 Clare, William F.....	135 Broadway, New York
1910 Clark, Albert H.....	Auburn
1918*Clark, Chauncey I.....	27 William street, New York
1912 Clark, Grenville	31 Nassau street, New York
1919 Clark, Henry W.....	120 Broadway, New York
1916 Clark, John C.....	149 Broadway, New York
1914 Clark, John Kirkland.....	61 Broadway, New York

* Residence in Second District.

§ Life member.

† Honorary member.

Elected

1906 Clark, Lester W.....	New Brighton
1909 Clark, Martin	Buffalo
1919 Clark, Martin Lee.....	Buffalo
1912 Clark, Paul R.....	Auburn
1904 Clark, Roger P.....	Binghamton
1920 Clark, William M.....	52 William street, New York
1906†Clark, William W.....	Justice Supreme Court, Wayland
1918 Clarke, John D.....	280 Broadway, New York
1916†Clarke, John H.....	Justice U. S. Supreme Court, Washington, D. C.
1900†Clarke, John Proctor.....	Justice Supreme Court, New York
1900§Clarke, R. Floyd.....	26 Liberty street, New York
1919 Clarke, Roger H.....	56 Wall street, New York
1892 Clarke, Samuel B.....	56 Wall street, New York
1914 Classen, Philip L.....	Albany
1885 Clearwater, Alphonso T....	Kingston
1892 Clement, George A.....	100 William street, New York
1917 Clement, Maynard N.....	Albany
1914 Clements, Theron A.....	141 Broadway, New York
1904 Clifford, Frederick W.....	Owego
1892 Clinch, Edward S.....	41 Park Row, New York
1919 Clinton, Charles D.....	Greene
1903 Clinton, George	Buffalo
1911 Clymer, Virgil H.....	Syracuse
1902 Coats, Herbert P.....	Saranac Lake
1898 Coatsworth, Edward E.....	Buffalo
1917 Cobb, Candler	60 Broadway, New York
1904 Cobb, D. Raymond.....	Syracuse
1900 Cobb, George H.....	Watertown
1908 Cobb, W. Bruce.....	234 Central Park, West, N. Y.
1901†Cochrane, A. V. S.....	Justice Supreme Court, Hudson
1915 Cochrane, George J.....	Buffalo
1916 Cockran, W. Bourke.....	100 Broadway, New York
1908 Coffin, Herbert Lawton.....	2 Rector street, New York
1889 Coggeshall, Edwin W.....	160 Broadway, New York
1908†Cohalan, Daniel F.....	Justice Supreme Court, New York
1913 Cohalan, Denis O'L.....	120 Broadway, New York
1913 Cohalan, John P.....	Hall of Records, New York
1919 Cohen, Arthur J.....	61 Broadway, New York
1906 Cohen, Henry L.....	2 Rector street, New York
1913 Cohen, Isaac	141 Broadway, New York
1907 Cohen, Julius Henry.....	111 Broadway, New York
1913 Cohen, Lawrence B.....	35 Wall street, New York
1917 Cohen, Max	Yonkers
1893 Cohen, William N.....	22 William street, New York
1920 Cohn, Michael M.....	Buffalo
1910 Coit, Frederick W.....	Rochester
1915 Colby, Bainbridge	32 Nassau street, New York
1917 Colden, Charles S.....	Whitestone
1920 Cole, Anson Burlingame....	44 Court street, Brooklyn
1919 Cole, Ashley T.....	30 East 42d street, New York
1917†Cole, George W.....	Justice Sup. Ct., Salamanca
1919 Coleman, Frank J., Jr.....	624 Madison avenue, New York
1894 Coleman, George S.....	Glen Cove

§ Life member.

† Honorary member.

Elected

1912 Coleman, John Burlinson...	60 Wall street, New York
1913 Coleman, Michael L.....	Warsaw
1895 Collier, Frederick J.....	Hudson
1889 Collin, Charles A.....	120 Broadway, New York
1901†Collin, Frederick	Elmira
1917 Collins, Cornelius F.....	Criminal Courts Bldg., New York
1911 Collins, Edward J.....	Newburgh
1910 Collins, Lawrence J.....	Buffalo
1913 Collins, John K.....	Plattsburg
1916 Collins, Joseph F.....	27 Pine street, New York
1902 Colmey, John	Canandaigua
1916 Colnon, Aaron J.....	32 Franklin street, New York
1910 Colson, Frederick D.....	Albany
1916 Colt, Harris D.....	30 Broad street, New York
1918*Combs, Daniel	141 Broadway, New York
1915 Comesky, Frank	Nyack
1920 Compton, George Brokaw...	40 Wall street, New York
1918 Comstock, George C.....	68 William street, New York
1907 Conant, Ernest Lee.....	32 Liberty street, New York
1920 Conboy, John	Watertown
1912 Conboy, Martin	27 Pine street, New York
1920 Congdon, Glenn M.....	14 Wall street, New York
1908 Conklin, Robert S.....	34 Pine street, New York
1916 Conklin, William R.....	31 Nassau street, New York
1902 Conkling, James	Ilion
1891 Connelly, Arthur C.....	Kingston
1920 Connolly, Thomas F. J.....	Portchester
1916 Connolly, Henry M. V.....	141 Broadway, New York
1916 Connolly, Edward J.	189 Montague street, Brooklyn
1920 Connor, Charles	1 Madison avenue, New York
1915 Connor, Jeremiah F.....	80 Maiden lane, New York (Oneida)
1901 Conover, Archie R.....	Amsterdam
1919 Conrad, W. Davis.....	429 Custom House, New York
1920 Converse, Frederick E....	Palmyra
1916 Conway, Albert	32 Court street, Brooklyn
1904 Conway, Thomas F.....	32 Nassau street, New York
1912 Cook, Alfred A.....	111 Broadway, New York
1913 Cook, Charles C.....	Syracuse
1911 Cook, Edward J.....	Geneva
1892 Cook, John T.....	Albany
1907 Cook, William W.....	44 Wall street, New York
1908 Cooke, George L.....	Monticello
1900 Cooke, Harris L.....	Cooperstown
1912 Cooke, Hedley V.....	31 Nassau street, New York (Orange, N. J.)
1898 Cooke, Walter P.....	Buffalo
1913 Cookinham, Henry Jared...	Utica
1906 Cooney, Charles E.....	Syracuse
1913 Cooper, Curtis Calvin.....	1764 Broadway, New York
1918 Cooper, Edward W.....	66 Court street, Brooklyn
1904 Cooper, Frank	Schenectady
1905 Cooper, Jas. Fenimore.....	Albany
1920 Corbett, Edward L.....	336 Alexander avenue, New York
1919 Cords, Charles D.....	32 Court street, Brooklyn
1904 Corey, Fred. D.....	Buffalo

* Residence in Second District.

† Honorary member.

Elected

1913 Corn, Joseph J.....	135 Broadway, New York
1912†Cornell, Edward	34 Nassau street, New York
1920 Cornwall, A Raymond.....	Watertown
1920 Corr, Joseph A.....	42 Broadway, New York
1916 Corrigan, Joseph E.....	3 East 10th street, New York
1908 Corwin, Allen W.....	Middletown
1912 Corwin, John B.....	Newburgh
1916*Cosel, Nathan B. L.....	302 Broadway, New York
1911 Cosgrove, Delos M.....	Watertown
1913 Costello, David F.....	Syracuse
1920 Costello, W. Earle.....	Corning
1904 Cotter, Thomas B.....	Plattsburg
1903 Cottle, Edmund P.....	Buffalo
1921 Cotton, Joseph Bell.....	120 Broadway, New York
1912 Cotton, Joseph P.....	43 Exchange place New York
1907 Coudert, Frederic R.....	2 Rector street, New York
1921 Couper, Walter T.....	Binghamton
1915 Coutant, Russel S.....	15 Broad street, New York
1911§Coville, Henry D.....	Central Square
1913 Covington, George B.....	60 Wall street, New York
1917 Cowan, John F.....	121st st. and Sylvan pl., N. Y.
1920 Coward, John L.....	Port Chester
1913 Cowenhoven, C. T., Jr.....	27 William street, New York
1909 Cowie, Alexander H.....	Syracuse
1911 Cowing, Rufus B., Jr.....	55 Cedar street, New York (Glen Ridge, N. J.)
1902 Cowles, Leland M.....	Unadilla
1903 Cox, Robert Lynn.....	1 Madison avenue, New York (Montclair, N. J.)
1892††Coxe, Macgrane	233 Broadway, New York
1921 Coyle, Frank J.....	120 Broadway, New York
1913 Craig, Charles L.....	120 Riverside Drive, New York
1902 Crain, T. C. T.....	32 Franklin street, New York
1919 Cramer, Almond	Cherry Valley
1915 Crampton, Foster	2 Rector street, New York
1920 Crandell, John L.....	Hudson
1876†Crane, Alexander B.....	14 Wall street, New York
1915†Crane, Alexander M.....	14 Wall street, New York
1919 Crane, Charles L.....	Addison
1901†Crane, Frederick E.....	Judge Court of Appeals, Brooklyn
1904 Crangle, Roland	Buffalo
1920 Crangle, William J.....	St. Johnsville
1919§Crapser, John C.....	Massena
1892 Cravath, Paul D.....	52 William street, New York
1919 Crawford, Frank L.....	32 Liberty street, New York (Summit, N. J.)
1917 Creamer, William J.....	Long Island City
1919 Creary, James R.....	Rochester
1920 Crichton, Powell	120 Broadway, New York
1919 Croak, John	Port Richmond
1907§Crocker, Frank L.....	5 Nassau street, New York
1916 Crofts, George D.....	Buffalo
1919†Crone, Harry	261 Broadway, New York
1912†Cropsey, James C.....	Justice Supreme Court, Brooklyn

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1911 Crosby, Harley N.....	Falconer
1902†Crouch, Leonard C.....	Justice Supreme Court, Syracuse
1913 Crowley, E. C.....	26 Liberty street, New York
1912 Crumb, Leverett F.....	Peekskill
1919 Cubley, Frank L.....	Potsdam
1919 Cuddeback, Samuel M.....	Port Jervis
1876†Cullen, Edgar M.....	177 Montague street, Brooklyn
1913 Cullen, Francis E.....	Watertown
1920 Cullom, Neil Perry.....	165 Broadway, New York
1912 Cumming, Robert C.....	60 Wall street, New York
1919 Cummings, C. D.....	Buffalo
1906 Cumming, Ebenezer D.....	Deposit
1909†Cunningham, Benj. B.....	Justice Sup. Ct., Rochester
1912 Curie, Charles	149 Broadway, New York
1919 Curley, Thomas F.....	St. George
1913 Curran, Thomas F.....	Yonkers
1917§Curren, Hector McG.....	375 Fulton street, Brooklyn
1896 Curtis, Frank C.....	Troy
1919 Curtis, Frank G.....	Casper, Wyoming (Jamestown)
1912*Curts, George M., Jr.....	51 Chambers street, New York
1919 Curtis, J. Delavan.....	Jamestown
1912 Curtis, James B.....	32 Nassau street, New York
1914 Curtis, Rensselaer Leigh....	Franklinville
1883 Curtis, William E.....	30 Broad street, New York
1902 Curtis, William J.....	Woolworth Bldg., New York
1918 Cushing, Harry A.....	43 Cedar street, New York
1913 Cuvillier, Louis A.....	43 Cedar street, New York
1912 Czaki, Frederick M.....	15 William street, New York
1920 Dalton, Charles F.....	Port Chester
1906†Dana, Richard H.....	19 Congress street, Boston, Mass.
1905 Danaher, Albert J.....	Albany
1893 Danaher, Franklin M.....	Albany
1920 Daniels, William R.....	Buffalo
1918 Danziger, Henry	1 Madison avenue, New York
1899 Dardess, John C.....	Chatham
1909 Darrin, Delmar M.....	Addison
1912 Darrow, Frederick E. W....	Saugerties
1903†Davenport, Timothy	253 Broadway, New York
1913 Davidson, Alexander	Buffalo
1914†Davidson, Sir Charles.....	Montreal, Quebec
1914 Davidson, George G., Jr....	Buffalo
1902 Davidson, Maurice P.....	261 Broadway, New York
1913*Davidson, Maxwell	160 Broadway, New York
1920 Davidson, William A.....	Port Chester
1896†Davies, John C.....	Camden
1911 Davies, John R.....	630 W. 141st street, New York
1913 Davis, Albert G.....	Schenectady
1920 Davis, Frank J.....	52 William street, New York
1919 Davis, George W.....	Oswego
1902 Davis, Gherardi	15 William street, New York
1906 Davis, Henry K.....	3029 Third avenue, New York
1921 Davis, John	551 Courtland avenue, New York
1920 Davis, Lee Parsons.....	White Plains
1916†Davis, Rowland L.....	Justice Supreme Court, Cortland

* Residence in Second District.

† Life member.

‡ Residence in Ninth District.

§ Honorary member.

Elected

1899†Davis, Vernon M.....	Justice Supreme Court, New York
1904§Davison, Alfred T.....	50 Court street, Brooklyn
1882§Davison, Charles M.....	Saratoga Springs
1901§Davison, George W.....	26 Court street, Brooklyn
1920 Davison, Sanford A.....	Lynbrook
1892 Davy, Cassius C.....	Rochester
1904§Davy, James R.....	Rochester
1916 Dawson, Miles M.....	26 West 44th street, New York
1912 Day, Clarke	85 Clinton street, Brooklyn
1916 Day, Schuyler E.....	48 Wall street, New York
1903†Day, William R.....	Justice U. S. Supreme Court, Washington, D. C.
1915 Dayley, Anna G. W.....	Poughkeepsie
1920 DeAgüero, Miguel E., Jr....	52 William street, New York
1907 Dean, Philip S.....	160 Broadway, New York
1917 Deane, Joseph G.....	15 Park Row, New York
1906 DeAngelis, Pascal C. J.....	White Building, Utica
1915 De Baun, Harvey.....	Haverstraw
1907 Debevoise, Thomas M.....	62 Cedar street, New York
1911 Decker, Frank N.....	Syracuse
1908 Decker, George P.....	Rochester
1917 Decker, Jacob A.....	Newburgh
1912*Decker, Melvin L.....	149 Broadway, New York
1915†Decker, William Grant.....	56 Pine street, New York
1921 Dee, Michael F.....	Fordham University Law School, New York
1918 De Forest, Henry L.....	30 Broad street, New York (Plainfield, N. J.)
1903*De Forest, Henry W.....	30 Broad street, New York
1913*De Forest, Johnston.....	30 Broad street, New York
1916 De Forest, Robert W.....	30 Broad street, New York
1912§De Friese, Lafayette H.....	Broad St House, Old Broad street, London, England
1903 De Gersdorff, Carl A.....	52 William street, New York
1909 De Graff, William.....	Rochester
1907 Deiches, Maurice	63 Wall street, New York
1883§Delafield, Albert	Greenport
1913 Delafield, Frederick P.....	20 Exchange place, New York
1900§Delafield, Lewis L.....	20 Exchange place, New York
1916 Delafield, Lewis L., Jr.....	20 Exchange place, New York
1919 DeLaFleur, Frederick J.....	Utica
1918 Delatour, Hunter L.....	215 Montague street, Brooklyn
1913†Delehanty, F. B.....	Justice Supreme Court, New York
1902 Delehanty, John A.....	Albany
1919 Delahunty, John	32 Nassau street, New York
1915 De Milhau, Louis J.....	1022 Park avenue, New York
1915 Dempsey, S. Wallace.....	Lockport
1920*Denenholz, Jacob H.....	200 Broadway, New York
1904 Denison, Howard P.....	Syracuse
1913†Denman, Frederick H.....	170 Broadway, New York
1904 Denton, Eugene C.....	Rochester
1876†§Depew, Chauncey M.....	466 Lexington avenue, New York
1904 Derby, Archibald S.....	Hudson Falls
1913 De Roode, Albert.....	52 Wall street, New York
1913 DeSantis, Anthony S.....	Utica (Los Angeles, Cal.)

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1901 Desbecker, Louis E.....	Buffalo
1921 DeSilver, Albert	68 William street, New York
1892 Desmond, John	Rochester
1920 Desvernine, Raoul E.....	24 Broad street, New York
1902 Devany, John R.....	Ellenville
1896‡Devendorf, I. R.....	Justice Sup. Court, Herkimer
1920 Devereux, Alvin	52 William street, New York
1918 Dewey, Chester R.....	Utica
1903 DeWitt, Theodore	88 Nassau street, New York
1913 Deyo, Daniel B.....	Kingston
1902 Deyo, Israel T.....	Binghamton
1919 Dick, Homer E. A.....	Rochester
1876§Dickerson, Edward N.....	141 Broadway, New York
1902§Dickerson, William L.....	Middletown
1921 Dickheiser, Saul J.....	271 Broadway, New York
1907‡Dickinson, Jacob M.....	Chicago, Illinois
1909 Diebold, Charles, Jr.....	Buffalo
1912 Dietz, Nicholas	44 Court street, Brooklyn
1914 Digney, John M.....	White Plains
1902‡Dike, Norman S.....	Justice Supreme Court, Brooklyn
1896 Dillingham, A. J.....	Schenectady
1912§Dillingham, Frank A.....	62 Cedar street, New York
1921 Dineen, Benedict D.....	21 Park Row, New York
1909 Dirnberger, M. F., Jr.....	Buffalo
1917 Ditore, Michael	16 Court street, Brooklyn
1893 Dittenhoefer, Irving M.....	32 Broadway, New York
1913 Diven, Alexander S.....	Elmira
1876§Dixon, William P.....	32 Liberty street, New York
1919 Doane, Charles Evans.....	Buffalo
1913 Dodd, Louis F.....	52 Broadway, New York
1914 Dodge, Edward L.....	15 Nassau street, New York
1904 Dolan, James C.....	Gouverneur
1918 Dominick, D. Clinton.....	Newburgh
1919 Donavin, Hermon J.....	Ogdensburg
1904 Donnelly, Henry	Olean
1907*Donnelly, Henry D.....	233 Broadway, New York
1916 Donnelly, James F.....	41 Park Row, New York
1908‡Donnelly, Thomas F.....	Justice Supreme Court, New York
1912 Donoghue, Francis X.....	45 Warburton avenue, Yonkers
1916 Donohue, Edward J.....	Troy
1914 Donovan, W. J.....	Buffalo
1913 Dooley, Edward J.....	232 Clermont avenue, Brooklyn
1913 Dooling, John T.....	27 Cedar street, New York
1919 Doolittle, Julius T. A.....	Utica
1915 Doorty, William G.....	Buffalo
1915 Dore, Claude	49 Wall street, New York
1913*Dorman, William R.....	32 Liberty street, New York
1919 Dorn, Charles H.....	Albany
1920 Dorr, Carl E.....	Syracuse
1912 Dos Passos, Cyril F.....	20 Maiden lane, New York
1902 Dougherty, James F.....	Cortland
1920 Dougherty, J. Hampden, Jr..	15 William street, New York
1916 Doughty, Edgar M.....	131 Lenox Road, Brooklyn
1914 Doughty, Robert W.....	Beacon
1913*Dowling, George J. S.....	1540 Broadway, New York

* Residence in Second District.

‡ Life member.

§ Honorary member.

Elected

1905†Dowling, Victor J.....	Justice Sup. Ct., New York
1913 Dowling, William F.....	Utica
1906 Downing, J. Edward.....	Mineola
1904 Downing, William	Pawling
1919 Downs, C. Porter.....	Rochester
1919 Doyle, Joseph P.....	Rochester
1889 Doyle, Louis F.....	111 Broadway, New York
1915 Drake, Clarence J.....	Poughkeepsie
1915 Draper, Frederick E., Jr....	Troy
1916 Drescher, Alexander S.....	215 Montague St., Brooklyn
1920 Driscoll, James T.....	Buffalo
1914*Druhan, Charles J.....	Municipal Bldg., New York
1913 Drummond, Richard C. S...	Auburn
1899§DuBois, William M.....	White Plains
1897 Dudley, Frank A.....	Niagara Falls
1906 Dudley, Frederick W.....	Port Henry
1902 Dudley, Joseph G.....	Buffalo
1898†Dudley, Wesley C.....	Justice Sup. Ct., Buffalo
1909 Duffey, Edwin	Cortland
1909 Duffy, James P. B.....	Rochester
1892 Dugan, Patrick C.....	Albany
1916 Dugro, Francis A.....	1 Union Square, New York
1919 Dullea, Charles B.....	New Brighton
1913 Dunlap, Harry W.....	Holland Patent
1919 Dunn, Charles Wesley.....	32 Liberty street, New York
1893 Dunne, James	51 Chambers street, New York
1919 Dunton, Harry I.....	Canandaigua
1919 Durand, Hamilton H.....	68 William street, New York
1893 Durand, John S.....	81 Fulton street, New York
1919 Durand, Loye T.....	Jamestown
1913 Durham, Knowlton	2 Rector street, New York
1919§Durkin, Edmund L.....	32 Nassau street, New York
1917†Dusenbury, Edwin C.....	2 Rector street, New York
1909 Dutcher, Frederick L.....	Rochester
1901 Dutton, John A.....	80 Maiden lane, New York
1907 Du Vivier, Joseph.....	35 Boulevard Haussman, Paris, France
1908 Dwight, Richard E.....	96 Broadway, New York
1909 Dwyer, Eugene J.....	Rochester
1913 Dwyer, John J.....	61 Broadway, New York
1915 Dyer, Leonard H.....	Greenwich, Conn.
1902 Dyer, William S.....	Albany
1915 Dykman, Jackson A.....	177 Montague street, Brooklyn
1904 Dykman, William N.....	177 Montague street, Brooklyn
1919 Eadie, Bertram G.....	New Brighton
1910 Earl, Charles L.....	Herkimer
1901 Earl, Ralph D.....	Herkimer
1921 Earl, William A.....	110 William street, New York
1914 Earl, William H.....	Lockport
1908*Earle, Henry M.....	62 Cedar street, New York
1921 Early, Charles M.....	38 Park Row, New York
1921 Early, Daniel J.....	271 Broadway, New York
1913 Farp, Wilbur F.....	120 Broadway, New York
1896*Eastman, George W.....	277 Broadway, New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1904†Easton, Charles Philip.....	48 Wall street, New York
1913 Ecker, Samuel	155 East 88th street, New York
1919 Eddy, George Simpson.....	10 Wall street, New York
1913 Eder, Phanor J.....	38 Park Row, New York
1911 Edgcomb, Ernest I.....	Syracuse
1915 Edie, George S.....	Yonkers
1888 Edmonds, Walter D.....	27 Cedar street, New York
1912 Edson, Walter H.....	Jamestown
1902 Edwards, Clarence	Elmhurst
1919 Edwards, Duncan	31 Nassau street, New York (Greenwich, Conn.)
1920 Edwards, Harold T.....	68 William street, New York
1921 Edwards, Harry	15 William street, New York
1913 Edwards, W. H. L.....	26-32 Liberty street, New York
1913 Egan, Raphael A.....	Newburgh
1913*Eggington, Hersey	80 Broadway, New York
1920 Eggleston, Robert D.....	34 Pine street, New York
1916*Ehrenberg, Louis	277 Broadway, New York
1912 Ehrhorn, Oscar W.....	15 William street, New York
1913 Ehrich, Manfred W.....	60 Wall street, New York
1921 Ehlermann, Carl	68 William street, New York
1907 Eidlitz, Ernest F.....	31 Nassau street, New York (Greenwich, Conn.)
1913 Eisemann, Fred F.....	41 Park Row, New York
1913 Eisman, H. S.....	135 Broadway, New York
1921 Elder, Robert D., Jr.....	30 Broad street, New York
1911 Elder, William S.....	Auburn
1916 Elfers, Herman	277 Broadway, New York
1921 Elgar, Harold B.....	50 Pine street, New York
1908 Elkins, George W.....	34 Pine street, New York
1892†Elkus, Abram I.....	111 Broadway, New York
1909 Elliott, Robert W. B.....	59 Wall street, New York
1919 Ellis, George Adams.....	120 Broadway, New York
1883 Ellis, George W.....	149 Broadway, New York
1908 Ellis, Ralph	Jericho, Long Island
1902 Ellis, Willis C.....	Shortsville
1916 Ellison, Millard H.....	2 Rector street, New York
1906 Ellison, William B.....	251 W. 104th street, New York
1916 Elsberg, Nathaniel A.....	56 Liberty street, New York
1914 Elting, Philip	Kingston
1915 Ely, Alfred, Jr.....	31 Nassau street, New York
1918 Embree, Wm. Dean.....	37 Wall street, New York
1907 Emerson, George H.....	27 William street, New York
1909 Emery, Asher B.....	Buffalo
1919 Engelhard, George H.....	111 Broadway, New York
1919 Englar, D. Roger.....	64 Wall street, New York
1912 Ennever, Thomas C.....	132 Nassau street, New York (East Orange, N. J.)
1904 Ennis, Charles T.....	Lyons
1906†Erlanger, Mitchell L.....	Justice Supreme Ct., New York
1913 Ernst, Irving L.....	170 Broadway, New York
1900 Erving, William V. R.....	Albany
1902 Esmond, Burton D.....	Ballston Spa
1904 Esmond, Irwin	Ballston Spa
1911 Estabrook, Charles S.....	Syracuse

* Residence in Second District.

† Residence in Ninth District.

‡ Honorary member.

Elected

1920*Evans, Walter G.....	220 Broadway, New York
1918 Everett, A. Leo.....	37 Wall street, New York
1915 Everett, Edward A.....	Potsdam
1904†§Ewing, Hampton D.....	160 Broadway, New York
1919§Ewing, Thomas	160 Broadway, New York
1903†Faber, Leander B.....	Justice Supreme Court, Jamaica
1916 Fach, Albert C.....	Stapleton
1913 Fagan, James H.....	Herkimer
1889†Fairchild, Charles S.....	10 West 8th street, New York (Cazenovia)
1916 Fajans, Harry E.....	Jamaica
1921 Falck, Albert	2 Rector street, New York
1911§Falck, Alexander D.....	Elmira
1921 Fales, DeCoursey	25 Broad street, New York
1903 Falk, Eugene L.....	Buffalo
1920 Falk, Samuel	299 Broadway, New York
1905§Fallows, Edward H.....	Norfolk, Connecticut
1907 Farley, Robert Emmet.....	White Plains
1912 Farley, William W.....	79 Chapel street, Albany
1904 Farnham, Charles C.....	Buffalo
1920 Farquhar, John W.....	59 Wall street, New York
1916 Farr, Henry Bartow.....	120 Broadway, New York
1902 Farren, James J.....	Albany
1920 Farrington, Medford B.....	Buffalo
1920 Farrington, Robert W.....	Buffalo
1913 Fassett, Lee	Wellsville
1919 Fassett, J. Sloat.....	Elmira
1918†Fawcett, Lewis L.....	Justice Supreme Court, Brooklyn
1917 Fay, Thomas R.....	Mineola
1912 Fearhake, John D.....	60 Broadway, New York (New Canaan, Conn.)
1920 Fearons, George R.....	Syracuse
1915 Feiler, Mark S.....	44 Court street, Brooklyn
1913 Feiner, Benjamin F.....	66 Pine street, New York
1889 Feitner, Thomas L.....	67 Wall street, New York
1913*Feldblum, Adolph	115 Broadway, New York
1920 Feldman, Charles L.....	Buffalo
1915 Fennell, Thomas F.....	Albany
1915 Ferguson, Frank C.....	Buffalo
1920 Ferguson, George P.....	50 Pine street, New York
1919 Ferguson, James W.....	Amsterdam
1921 Fernow, Fritz	Buffalo
1920 Ferrara, Leo	New Rochelle
1902 Ferris, T. Harvey.....	Utica
1916 Ferry, Mansfield	22 Exchange place, New York
1919 Fessenden, Newton H.....	Kingston
1901*Field, Frank Harvey.....	29 Liberty street, New York
1915 Field, George H.....	Buffalo
1887 Fiero, J. Newton.....	Albany
1910 Filley, Frederick C.....	Troy
1903†Finch, Edward R.....	Justice Supreme Ct., New York
1913 Findlay, William C.....	201 8th avenue, New York
1919 Findley, William L.....	2 East 45th street, New York
1920 Fine, John	P. O. Bldg., New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1921 Finegan, James Emmett....	5 Beekman street, New York
1904 Finegan, Thomas E.....	Harrisburg, Pa.
1913 Finelite, Alexander	32 Chambers street, New York
1912 Finn, Frank H.....	Middletown
1893 Fish, Leonard F.....	309 Broadway, New York
1876 Fish, R. Bronk.....	Fultonville
1902 Fish, Robert J.....	Oneida
1913 Fishel, Mortimer	32 Broadway, New York
1920 Fisher, Marion H.....	Jamestown
1914 Fisher, Robert W.....	Mechanicville
1909 Fisk, Irving L.....	Buffalo
1913 Fitch, Ashbel P.....	32 Nassau street, New York
1920 Fitch, J. Sawyer.....	Rochester
1915 Fitzpatrick, John T.....	Albany
1912 Flaesch, Charles C.....	Unadilla
1913*Flaherty, Thomas G.....	2 Rector street, New York
1914 Flanagan, James S.....	Norwich
1917 Flanders, George L.....	Albany
1921 Flatto, Harold	261 Broadway, New York
1919 Fleckenstein, George V.....	Rochester
1895§Fleischmann, Simon	Buffalo
1907 Fleming, Matthew C.....	170 Broadway, New York
1906 Fleming, Harry H.....	Kingston
1916 Fletcher, Bertram L.....	2 Rector street, New York
1916 Fletcher, Henry	522 Fifth avenue, New York
1919 Fliinn, Daniel S.....	Albany
1919 Flinn, Maurice B.....	Schenectady
1911 Flint, Orin Q.....	Athens
1921 Fluegelman, Henry	52 Broadway, New York
1912 Follett, Henry R.....	Syracuse
1912 Folsom, Charles D.....	512 Fifth avenue, New York
1919 Foody, James T.....	Hornell
1877 Foote, Nathaniel	Rochester
1905†Ford, John	Justice Supreme Court, New York
1914 Ford, Michael A.....	51 Chambers street, New York
1914 Ford, Roland	Albany
1904§Fordham, Herbert L.....	111 Broadway, New York
1910 Forster, Henry A.....	32 Liberty street, New York
1912§Fosdick, J. Sheldon.....	Jamaica
1902§Fosdick, Lewis L.....	Jamaica
1919 Foster, Benjamin F.....	233 Broadway, New York
1916†Foster, Frederic DeP.....	44 Wall street, New York
1904†Foster, John Watson.....	Washington, D. C.
1889 Foster, Roger	55 Liberty street, New York
1919 Foster, William H.....	Syracuse
1902 Fowler, Albert N. C.....	Glens Falls
1901 Fowler, Everett	Kingston
1903§Fowler, John Curtis.....	Syracuse
1905§Fox, Austen G.....	45 Wall street, New York
1916 Fox, Charles	66 Broadway, New York
1918 Fox, David J.....	31 Liberty street, New York
1916 Fox, Lyttleton	120 Broadway, New York
1921 Fox, Noel Blecker.....	150 Nassau street, New York
1915 Fox, Robert J.....	31 Nassau street, New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1911 Fox, Samuel Perry.....	Dunkirk
1918 Franc, James J.....	60 Broadway, New York
1912 France, Melville J.....	25 Broad street, New York
1919 Franchot, Edward E.....	Niagara Falls
1921 Franchot, Charles Pascal...	Buffalo
1913 Frank, Adam	120 Broadway, New York
1914 Frank, Joseph S.....	66 Broadway, New York
1914 Frank, Julius J.....	680 West End avenue, New York
1904 Frank, Philip	Long Island City
1920 Frank, Walter	25 Broad street, New York
1913 Frankenstein, Samuel I.....	115 Broadway, New York
1921 Frankenthaler, Alfred	58 Maiden lane, New York
1921 Frankenthaler, George	58 Maiden lane, New York
1919 Franklin, George P.....	14 Wall street, New York
1919 Franklin, George S.....	43 Exchange Place, New York
1892 Franklin, Ruford	34 Nassau street, New York
	(Summit, N. J.)
1907 Fraser, George C.....	20 Exchange place, New York
	(Morristown, N. J.)
1916 Fray, John L.....	Catskill
1913 Frazier, Robert	Mechanicville
1887 Fredenburg, Walter S.....	Kingston
1907 Freedman, John J.....	874 St. Nicholas avenue, N. Y.
1921 Freedman, Jacob Arthur...	215 Montague street, Brooklyn
1916 French, John	59 Wall street, New York
1921 French, Warren C.....	41 Park Row, New York
1920 Frey, Henry C.....	Jamaica
1913*Fried, Joseph	15 William street, New York
1913 Friedman, Stanleigh P.....	2 Rector street, New York
1904 Frisbee, Ernest L.....	Buffalo
1917 Fritts, Harold E.....	Hudson
1913*Frontera, Stephen	Office of Corporation Counsel, New York
1913 Frost, Henry R.....	52 Broadway, New York
1907 Frost, J. Sheldon.....	Albany
1907*Frothingham, T. L.....	32 Liberty street, New York
1919\$Frueauff, Charles A.....	60 Wall street, New York
1920 Frye, William B.....	Buffalo
1921 Fullen, William J.....	49 LaFayette street, New York
1912 Fuller, Paul, Jr.....	2 Rector street, New York
1919 Fuller, Thomas Staples.....	61 Broadway, New York
1913 Furman, George H.....	Patchogue
1918 Furman, Herman	Yonkers
1920\$Furman, William L.....	84 Cotton Exchange, New York
1911 Furst, Michael	215 Montague street, Brooklyn
1915 Futrell, William H.....	32 Liberty street, New York
1911 Gagan, Thomas	Haverstraw
1916 Gaillard, William D.....	31 Nassau street, New York
1918 Gainsburg, I	258 Broadway, New York
1904 Gallagher, James	Cleveland
1914 Gallagher, William M.....	Cleveland
1913 Gallatin, Francis D.....	160 Broadway, New York
1914 Gallup, Earl H.....	Albany
1916 Galston, Clarence G.....	49 Wall street, New York
1912\$*Gannon, Frank S., Jr.....	2 Rector street, New York

* Residence in Second District.

‡ Life member.

Elected

1911 Gannon, William P.....	Syracuse
1913 Gans, Howard S.....	50 East 41st street, New York
1908*Gardiner, George H.....	15 Broad street, New York
1902 Gardinier, William J.....	Herkimer
1915 Gardner, Henry F.....	Callicoon
1918 Gardner, Ivan A.....	Middletown
1893 Gardner, John M.....	141 Broadway, New York
1915 Garrett, Thomas, Jr.....	15 Broad street, New York
1892 Garrettson, Garret J.....	Elmhurst
1920 Garrettson, Leland B.....	35 Nassau street, New York
1917†Garrison, Lindley M.....	24 Broad street, New York
1903 Gartland, George E.....	233 Broadway, New York
1920 Garvan, Francis P.....	115 Broadway, New York
1920 Garver, Chauncey B.....	55 Wall street, New York
1902 Garver, John A.....	55 Wall street, New York
1913†Garvin, Edwin Louis.....	Judge U. S. District Ct., Brooklyn
1912*Gary, Elbert H.....	71 Broadway, New York
1918 Gatens, Peter R.....	290 Broadway, New York
1921 Gates, Merrill E., Jr.....	44 Wall street, New York
1910†Gavegan, Edward J.....	Justice Supreme Ct., New York
1915 Gazzam, Joseph M.....	80 Maiden lane, New York
1916 Gedney, Walter S.....	Nyack
1920 Geer, Wm. Montague, Jr...	37 Wall street, New York
1916 Gehrig, James N.....	Hempstead
1913 Geismar, Alexander H.....	1210 82nd street, Brooklyn
1914§Geller, Frederick.....	22 Exchange place, New York
1913 Gellert, William L.....	Poughkeepsie
1920 Genaway, John W.....	Malone
1908§Gennert, Henry G.....	149 Broadway, New York
1912 Genung, George L.....	624 Madison avenue, New York
1908 Georgi, Oscar F.....	Buffalo
1907†Gerard, James W.....	46 Cedar street, New York
1912 Gerber, David.....	32 Broadway, New York
1916*Gerdes, John.....	41 Park Row, New York
1917 Gering, John P.....	Elmhurst
1876§Gerry, Elbridge T.....	258 Broadway, New York
1915 Getman, Anson.....	Atty. Gen'l's. Office, Albany (Johnstown)
1917 Getty, Ernest Van Buren....	894 Broadway, Brooklyn
1914 Gibboney, Stuart G.....	165 Broadway, New York
1919§Gibbons, Austin Flint.....	269 Madison avenue, New York
1912 Gibbons, Frank.....	102 Erie Co. Sav. Bank Building, Buffalo
1916 Gibbons, John M.....	70 East 45th street, New York
1907 Gibbons, Willard S.....	Cherry Valley
1893 Gibbs, Clinton B.....	Buffalo
1915 Gibbs, Louis D.....	Bronx Co. Ct. House, New York
1904 Gibbs, Milton E.....	Rochester
1902 Gick, Frank.....	Saratoga Springs
1885†Giegerich, Leonard A.....	Justice Supreme Ct., New York
1892§Gifford, James M.....	60 Broadway, New York
1916 Gilbert, A. S.....	43 Exchange place, New York
1913§Gilbert, Francis.....	43 Exchange place, New York
1907 Gilbert, Frank B.....	Albany
1913 Gilbert, Frederick L.....	Cedarhurst
1920 Gilbert, Frederic N.....	55 Wall street, New York

* Residence in Second District.

† Life member.

‡ Honorary member.

Elected

1913 Gildersleeve, Henry A.....	120 Broadway, New York
1913 Gillespie, George J.....	20 Vesey street, New York
1904 Gillet, Ransom H.....	Albany
1912 Gilman, William H.....	Watertown
1912§Gilroy, Thomas F., Jr.....	120 Broadway, New York
1919 Gittings, Robert H.....	Niagara Falls
1920 Given, William G.....	Tarrytown
1912 Gleason, Albert H.....	258 Broadway, New York
1920 Gleason, Carlisle J.....	111 Broadway, New York
1890 Gleason, John H.....	Albany
1915 Glenn, William A.....	Albany
1917 Glore, Harrison C.....	44 Court street, Brooklyn
1899†Glynn, Martin H.....	Albany
1916 Godnick, William.....	261 Broadway, New York
1920 Goetz, Norman S.....	128 Broadway, New York
1892§Goff, Frank M.....	Rochester
1921 Goldie, William V.....	27 Cedar street, New York
1916§Goldman, Herman.....	120 Broadway, New York
1912 Goldman, Julius.....	111 Broadway, New York
1917 Goldman, Mayer C.....	7 Beekman street, New York
1909 Goldman, Samuel P.....	120 Broadway, New York
1919 Goldmark, Emil.....	111 Broadway, New York
1919 Goldmark, Godfrey.....	120 Broadway, New York
1917 Goldsmith, Irving I.....	Saratoga Spa
1918 Goldsmith, Samuel J.....	100 Broadway, New York
1919 Goldstein, Louis.....	Dist. Atty's. Office, Brooklyn
1912 Goodhue, Isaac W.....	140 Nassau street, New York
1912 Goodwin, William B.....	2 Wall street, New York
1914 Goodyear, Bradley.....	Buffalo
1920 Gordon, Ernest C.....	Plattsburgh
1908 Gordon, Gordon.....	154 Nassau street, New York
1901§Gordon, William C.....	Troy
1906 Gordon, William S.....	2 Rector street, New York
1918 Gorman, John T.....	Owego
1915 Gormly, Clarence W.....	366 Madison avenue, New York
1904 Gott, Joseph W.....	Goshen
1920 Gott, Percy V. D.....	Goshen
1907 Gotthold, Arthur F.....	27 William street, New York
1919 Grady, Franklin.....	25 Broadway, New York
1917 Graff, Carl.....	Corona
1912 Graham, Arthur B.....	25 West 43rd street, New York
1913 Graham, George S.....	42 Broadway, New York
1892†Graham, James G.....	80 Maiden lane, New York
1894 Grant, John P.....	Stamford
1903§Grattan, William J.....	Albany
1919 Gratwick, F. C.....	Buffalo
1919 Graves, Harmon S.....	111 Broadway, New York
1915 Gray, Alfred W.....	Niagara Falls
1919 Gray, Bernard.....	Watertown
1912 Gray, Henry G.....	49 Wall street, New York
1908 Greeley, W. B.....	38 Park Row, New York
1913 Green, Joseph I.....	291 Broadway, New York
1916 Green, William W.....	120 Broadway, New York
1893†Greenbaum, Samuel.....	Justice Supreme Ct., New York
1908*Greene, Edward R.....	15 Broad street, New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1892 Greene, George E.....	Hoosick Falls
1903 Greene, Richard T.....	43 Exchange place, New York (Montclair, N. J.)
1913 Greene, William C.....	Sag Harbor
1908 Greenfield, Arthur D.....	52 Broadway, New York
1906 Greenfield, Hull	Auburn
1916 Greenough, William	120 Broadway, New York
1915 Greff, Clarence H.....	Warsaw
1913 Gregg, George A.....	Long Island City
1912 Gregg, William P.....	Port Jervis
1913 Gregg, William W.....	Elmira
1919 Gregory, Alfred	20 Exchange place, New York (Maplewood, N. J.)
1916 Gregory, Percival H.....	256 Broadway, New York
1903 Greiner, Fred	Buffalo
1920 Griffin, Austin B.....	Albany
1918 Griffin, Charles L.....	45 Cedar street, New York (Maplewood, N. J.)
1915 Griffin, Edward G.....	Atty.-Gen'l's office, Albany
1915 Griffin, Ernest Freeland	Tarrytown
1914 Griffin, James H.....	277 Broadway, New York
1919 Griffin, John W.....	27 William street, New York
1911 Griffing, Timothy M.....	Riverhead
1913 Griffith, John Cuyler.....	Chula Vista, Cal.
1906 Griffiths, H. Willard.....	Hempstead
1920 Groh, Theodore J.....	35 Nassau street, New York
1919 Gross, Albert	114 West 44th street, New York
1919 Gross, Erwin F.....	164 Montague street, Brooklyn
1916 Gross, Fred L.....	189 Montague st., Brooklyn
1911§Grossman, Moses H.....	115 Broadway, New York
1912 Grossman, William	1475 Broadway, New York
1907 Grosvenor, Edwin P.....	40 Wall street, New York (Washington, D. C.)
1917 Gru, George	50 Court street, Brooklyn
1920 Guernsey, J. Velmore.....	Jamaica
1919 Guernsey, Raymond G.....	Poughkeepsie
1914 Guggenheimer, Chas. S.....	120 Broadway, New York
1918 Guggenheimer, Jay C.....	27 William street, New York
1914 Guile, Claude E.....	Fulton
1919 Guinnane, Patrick S.....	Jamestown
1910 Guiterman, Milton S.....	32 Liberty street, New York
1915§Gulick, Archibald A.....	120 Broadway, New York
1915*Gurlitz, Augustus T.....	115 Broadway, New York
1889§Guthrie, William D.....	44 Wall street, New York
1907 Gutman, Abraham L	111 Broadway, New York
1906†Guy, Charles L.....	Justice Sup. Ct., New York
1920 Haas, Benjamin	Nyack
1915 Haas, Edward K.....	Poughkeepsie
1914 Haas, John G.....	36 Park avenue, New Rochelle
1919 Hackenberg, Frederick L..	261 Broadway, New York
1913†Hadley, Herbert S.....	Kansas City, Mo.
1919 Hadlock, Albert E.....	233 Broadway, New York
1905 Hagar, Albert F.....	60 Wall street, New York
1912 Hagarty, William F.....	32 Court street, Brooklyn
1909 Hager, George L.....	Buffalo

* Residence in Second District.

§ Life member.

† Honorary member.

Elected

1921 Haggerty, Louis C.....	7 East 42nd street, New York
1915 Hahlo, Louis H.....	233 Broadway, New York
1876†Haight, Albert	Buffalo
1907 Haight, Charles S.....	27 William street, New York
1920 Haines, Charles	White Plains
1903 Hale, Ledyard P.....	Canton (Albany, N. Y.)
1901 Hale, William B.....	Rochester
1913 Hale, William B.....	27 Cedar street, New York
1913 Halff, Mayer L	37 Wall street, New York
1913 Hall, Albert C.....	Herkimer
1919 Hall, Frank L.....	30 Broad street, New York
1920 Hall, Lyle H.....	52 William street, New York
1911 Halliday, Morris S.....	Ithaca
1919*Hallinan, James T.....	35 Nassau street, New York
1916 Hallock, Wilmont Y.....	189 Montague street, Brooklyn .
1914 Halter, Edward J	Albany
1895§Ham, Thomas H.....	Albany
1885 Hamburger, Samuel B.....	2 Rector street, New York
1907§Hamersley, Andrew S.....	309 Broadway, New York
1919§Hamilton, Edward W.....	Buffalo
1902 Hamilton, Francis E.....	61 Broadway, New York
1915 Hamilton, Henry De Witt..	258 Broadway, New York
1915 Hamilton, John Alan.....	Buffalo
1918 Hamilton, Sinclair	49 Wall street, New York
1893 Hamilton, William H.....	140 Broadway, New York
1920 Hamlin, Francis B.....	43 Exchange place, New York
1917 Hammer, Ernest E. L.....	2808 Third avenue, New York
1919 Hammond, Arthur J.....	Geneva
1914 Hammond, George T.....	156 Berkley place, Brooklyn
1914*Hammond, Henry B.....	51 Chambers street, New York
1913 Hanavan, George B.....	Long Island City.
1910 Hancock, Stewart F.....	Syracuse
1905†Hand, Augustus N.....	Judge U. S. District Court, New York
1913 Hand, Jetur W.....	Riverhead
1900†Hand, Learned	Judge U. S. District Court, New York
1917 Handy, Joseph B.....	Stapleton
1903 Hanford, Solomon	41 Wall street, New York
1920 Hanlon, Edward K.....	52 William street, New York
1906 Hanmer, Andrew J.....	Massena
1917 Hanson, Bert	14 John street, New York
1915 Hanson, Peter B.....	55 Liberty street, New York
1911 Hardies, Charles E.....	Amsterdam
1906 Harding, William H.....	Syracuse
1913 Harding, William H., Jr. ...	115 Broadway, New York
1907 Hardon, Henry W.....	7 Dev street, New York
1908 Hardy, Charles J.....	165 Broadway, New York
1921 Hardy, Lamar	120 Broadway, New York
1917§Hare, Georgia	Groton
1913§Hare, John J.....	Groton
1921 Harmon, Gregory U.....	Buffalo
1916 Harper, Donald	32 Avenue de l'Opera, Paris, France
1907 Harriman, George F.....	140 Cedar street, New York
1912 Harrington, Howard S....	64 Wall street, New York

* Residence in Second District.

‡ Life member.

† Honorary member.

Elected

1887§Harris, Albert H.....	Grand Central Terminal, N. Y.
1916 Harris, Charles N.....	Chambers and Centre streets, New York
1904 Harris, Edward, Jr.....	Rochester
1915 Harris, Frank S.....	Suffern
1920 Harris, Frederick S.....	100 State street, Albany
1909 Harris, George H.....	Rochester
1918 Harris, Alodie	20 Broad street, New York
1915 Harris, Samuel J.....	Buffalo
1916 Harris, Sidney	49 Wall street, New York
1912 Harrison, Alfred L.....	Erie Co. Bank Bldg., Buffalo
1903§Harrison, Francis B.....	1721 H street, N. W., Washington, D. C.
1919 Harrison, Neil G.....	Binghamton
1902 Harrison, Robert L.....	59 Wall street, New York
1918 Hart, Harold L.....	Binghamton
1908 Hart, Louis B.....	Buffalo
1913 Hart, Merwin K.....	Utica
1912 Hart, William F. S.....	35 Wall street, New York
1920 Harte, Howard B.....	66 Broadway, New York
1916 Hartfield, Joseph M.....	14 Wall street, New York
1921 Hartwell, Harold T.....	14 Wall street, New York
1919 Harvey, William K.....	Utica
1913§Harwood, Charles	77 Cortland street, New York
1888†Hasbrouck, G. D. B.....	Justice Supreme Court, Kingston
1914 Hasbrouck, J. DePuy.....	Kingston
1913 Haskell, Reuben L.	120 Schermerhorn street, B'klyn
1919 Haskell, William S.....	Woolworth Bldg., New York
1906 Haskin, Lincoln B.....	Hempstead
1905 Hastings, Allen J.....	Olean
1893 Hatch, Edward S.....	522 Fifth avenue, New York
1914 Hatch, Edward W.....	14 Wall street, New York
1918 Hatt, George J., 2nd.	Albany
1913 Haughwout, James Ard....	2 Rector street, New York (Montclair, N. J.)
1909 Havens, James S.....	Rochester
1920 Haverbeck, Harrison M....	Tarrytown
1912 Haviland, Merritt E.....	32 Nassau street, New York
1890§Hawes, Gilbert Ray.....	20 Vesey street, New York
1913 Hawke, Edward H., Jr....	66 Broadway, New York
1903§Hayes, Alfred	14 Wall street, New York
1921 Hayes, Carroll	170 East 121st street, New York
1908 Hayes, J. Noble.....	80 Maiden lane, New York
1918 Hays, Arthur Garfield.....	43 Exchange place, New York
1891 Hays, Daniel P.....	115 Broadway, New York
1912 Hays, Frank M.....	Binghamton
1893†Hazel, John R.....	Judge U. S. Dist. Ct., Buffalo
1906 Hazelton, Dallas M.....	Gouverneur
1918 Hazelton, Edgar F.....	Jamaica
1892 Headley, Russell	Albany
1907 Healy, Edmund J.....	Far Rockaway
1892 Heaton, Willis E.....	Hoosick Falls
1919 Hedges, George B.....	149 Broadway, New York
1892§Hedges, Job E.....	165 Broadway, New York
1913 Heffernan, Christopher J...	Amsterdam
1913 Heide, M. L.....	17 So. William street, New York
1921 Heinsheimer, Norbert	165 Broadway, New York
1913 Heller, David N.....	Elmira

§ Life member.

† Honorary member.

Elected

1920 Hellings, Dana B.....	Buffalo
1908 Hemmens, Henry J.....	64 Wall street New York
1916 Hemstreet, Ralph E.....	164 Montague street, Brooklyn
1919 Henderson, Miss Essie R...	Herkimer
1920 Hendricks, Henry S.....	128 Broadway, New York
1919 Hendricks, T. A.....	Watertown
1917 Hendrickson, Howard	Albany
1913 Hendrickson, W. F.....	Jamaica, L. I.
1919†Henney, James Barclay.....	100 William street, New York
1918§Henry, Lewis	Elmira
1914 Herrick, Charles J.....	Albany
1906 Herrick, D-Cady	61 B'way, N. Y. (Albany)
1919 Herrick, Frederick M.....	22 Exchange place, New York
1904§Herrick, Newton J.....	Canajoharie
1914 Herrick, Walter R.....	61 Broadway, New York
1904 Herriman, Alric R.....	Ogdensburg
1893 Herrman, Moses	32 Franklin street, New York
1921 Herschkopf, Bernard	44 Wall street, New York
1919 Hershenstein, Samuel	37 Wall street, New York
1915 Herts, Harold H.....	29 Broadway, New York
1919 Hertz, Emanuel	149 Broadway, New York
1907§Herzog, Paul M.....	120 Broadway, New York
1919 Hess, Jerome S.....	50 Pine street, New York
1920 Hewitt, John Edmond.....	149 Broadway, New York
1920 Heydt, Herman A.....	2 Rector street, New York
1919 Hibbard, Robert H.....	120 Broadway, New York
1920 Hickman, Herbert A.....	Buffalo
1913§Hickox, Charles R.....	27 William street, New York
1920 Higgins, Grove Lawrence...	Syracuse
1906 Higley, Brodie G.....	100 Broadway, New York
1913 Hildreth, George W.....	Riverhead
1920 Hill, Charles B.....	Buffalo
1907 Hill, Charles Borland.....	120 Broadway, New York
1913 Hill, D. S.	Liberty
1919†Hill, David Jayne.....	Washington, D. C.
1913 Hill, Edward B.....	Mountain Lake, N. J.
1893 Hill, Henry W.....	210 Pearl street, Buffalo
1911 Hill, James P.....	Norwich
1919 Hill, Theodore M.....	2 Rector street, New York
1915 Hill, Thomas T.....	Carmel
1913 Hill, William R.....	149 Broadway, New York
1916 Hillick, W. S.	Fulton
1907 Hines, Walker D.....	7 Rue de Tilsitt, Paris, France
1920†Hinkley, Alonzo G.....	Justice Supreme Court, Buffalo
1914†Hinman, Harold J.....	Justice Supreme Court, Albany
1906 Hinman, Harvey D.....	Binghamton
1910 Hinrichs, Alfred E.....	52 Wall street, New York (Glen Ridge, N. J.)
1889 Hinrichs, Frederic W.....	52 Wall street, New York (Woodstock, Conn. and Bklyn.)
1918 Hirsch, Morris J.....	160 Broadway, New York
1902§Hirschberg, Henry	41 Second street, Newburgh
1904 Hirsh, Hugo	391 Fulton street, Brooklyn
1916 Hirshfield, David	44 Court street, Brooklyn
1919 Hirst, William H.....	15 William street, New York
1896†Hiscock, Frank H.....	Chief Judge Court of Appeals, Syracuse

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1911 Hitchcock, Charles A.....	Syracuse
1914 Hitchcock, Charles H.....	Binghamton
1918 Hite, George E., Jr.....	49 Wall street, New York
1912 Hobbs, Elon S.....	233 Broadway, New York
1902 Hodges, Frank B.....	Syracuse
1907†Hoes, Ernest P.....	30 Broad street, New York
1921 Hoff, Almeth W.....	32 Liberty street, New York
1907 Hoff, Samuel	50 East 42nd street, New York
1918 Hoffman, Charles L.....	141 Broadway, New York
1913 Hoffman, Herman	233 Broadway, New York
1921 Hofheimer, Henry	35 Nassau street, New York
1909 Hofheins, Walter F.....	Buffalo
1916 Hofstatter, E. W.....	Nyack
1911†Hogan, John W.....	Judge Ct. of App., Syracuse
1911 Hogan, Thomas	Syracuse
1920 Hogue, Ramsay	149 Broadway, New York
1919 Hoguet, Robert Louis.....	27 William street, New York
1920 Holahan, George R., Jr....	44 Court street, Brooklyn
1913 Holden, Stephen	White Plains
1917 Holland, Park	Albany
1909 Hollister, Evan	Buffalo
1906 Hollister, George C.....	Schenectady
1893 Hollister, Wm. H., Jr.....	Troy
1920 Holmes, George E.....	15 William street, New York
1907 Holmes, Jabish	32 Liberty street, New York
1913 Holmes, Northrup R.....	Troy
1902†Holmes, Oliver Wendell....	Justice Sup. Ct., Washington D. C.
1918 Holstein, Mark G.....	165 Broadway, New York
1916*Holt, William T.....	31 Nassau street, New York
1919†Holter, Edwin O.....	60 Broadway, New York
1916 Holzworth, John M.....	Port Chester
1917*Honeyman, Robert B.....	61 Broadway, New York
1913 Hope, Walter E.....	49 Wall street, New York
1915 Hopper, Irving	Nyack
1920 Hoppin, William W.....	32 Nassau street, New York
1907 Horan, Michael J.....	258 Broadway, New York
1912 Hornblower, George S.....	24 Broad street, New York
1919 Hornburg, Ernest C.....	Wellsville
1896 Horton, Charles D.....	White Plains
1920 Horton, Clinton T.....	Buffalo
1892 Horton, Cyrus W.....	Peekskill
1912 Horton, Randolph	Ithaca
1919 Horwill, Edward T.....	215 Montague street, Brooklyn
1912 Horwitz, Otto	115 Broadway, New York
1909 Hoskins, Lansing G.....	Geneva
1907*§Hotchkiss, Charles E.....	34 Nassau street, New York
1912†Hotchkiss, Henry D.....	Justice Sup. Ct., New York
1904 Hotchkiss, James L.....	Rochester
1892 Hotchkiss, William H.....	Buffalo (110 William street, New York)
1893§Hottenroth, Adolph C.....	261 Broadway, New York
1920 Houck, George E.....	Buffalo
1902†Hough, Charles M.....	Judge U. S. Circuit Court N. Y.
1919 Houston, Charles A.....	200 Fifth avenue, New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1919 Houston, Oscar	64 Wall street, New York
1919 Hovell, Albert A.	50 Court street, Brooklyn
1910 Howard, Archibald	Binghamton
1902 Howard, Frank L.	Waverly
1919 Howard George H.	62 Cedar street, New York
1892†Howard, Wesley O.	Justice Supreme Court, Troy
1920 Howe, Edgar L.	Mamaroneck
1920 Howell, Leone D.	Mineola
1906 Howland, Clarence	Catskill
1918 Howland, Silas W.	31 Nassau street, New York
1912 Howson, Hubert	55 Liberty street, New York
1916 Hoyt, Ferdinand A.	Beacon
1920 Hoyt, Lydig	59 Wall street, New York
1892 Hubbard, Harry	Greenwich, Conn.
1919§Hubbard, John	60 Wall street, New York
1907 Hubbard, Lester Thos.	Albany
1913 Hubbell, James F.	Utica
1910§Hubbell, Walter Sage.	Rochester
1911†Hubbs, Irving G.	Justice Supreme Court, Pulaski
1913 Huber, Harry I.	215 Montague street, Brooklyn
1916 Huddy, Xenophon P.	51 Chambers street, New York (East Orange, N. J.)
1889†Hudson, James A.	487 Broadway, New York
1888†Hughes, Charles E.	96 Broadway, New York
1917 Hughes, Charles E., Jr.	96 Broadway, New York
1900 Hugo, Francis M.	Albany (Watertown)
1921 Hull, Lawrence C., Jr.	117 Wall street, New York
1907†Hulse, Frederick	31 Nassau street, New York
1913 Hume, Arthur Carter.	547 Fifth avenue, New York
1902 Humphrey, Burt Jay.	Jamaica
1915 Hun, Thomas	Albany
1912 Hunt, E. L.	Oneida
1920 Hunt, G. Everett.	220 Broadway, New York
1913 Hunt, Leavitt J.	120 Broadway, New York
1919†Hunt, Richard Carley.	165 Broadway, New York
1903 Hunt, Thomas	15 William street, New York
1904 Hunt, Thomas M.	Auburn
1914 Hunter, Frederick C.	80 Maiden lane, New York
1920 Hunter, Henry	Newburgh
1918 Hupper, Roscoe H.	27 William street, New York
1915§Hurd, Walter C.	Buffalo
1903§Hurry, Randolph	80 Maiden lane, New York
1919 Husted, Chester	Poughkeepsie
1913 Hutchins, Francis S.	120 Broadway, New York
1912 Hutchinson, John W., Jr.	Lotos Club, 110 W. 57th street, New York
1910 Hyde, George H.	41 Park Row, New York
1913 Hyman, Arthur B.	2 Rector street, New York
1917 Hyman, Mark	61 Broadway, New York
1913 Ilch, Julius	Albany
1904§Ingalls, Melville E., Jr.	27 Cedar street, New York
1885 Ingraham, George L.	14 Wall street, New York
1912 Ingraham, George S.	44 Court street, Brooklyn
1912§Ingraham, Phoenix	120 Broadway, New York
1909 Ingram, Harry M.	Potsdam

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1919 Ingram John Wharton.....	55 Liberty street, New York
1919 Ingram, William D.....	Ogdensburg
1916 Intemann, Alfred C.....	31 Nassau street, New York (Nutley, N. J.)
1906§Irvine, Frank	Albany (Ithaca)
1914 Irwin, Roscoe	Kingston
1908†Isaacs, Lewis M.....	52 William street, New York
1920 Isbell, Orrin C.....	52 William street, New York
1920 Isecke, Bernard J.....	140 Nassau street, New York
1919 Iselin, John H.....	25 Broad street, New York
1915 Isham, Frederick A.....	Lake Placid
1919 Jackson, Alan H.....	Schenectady
1911 Jackson, John G.....	56 Pine street, New York
1912§Jackson, Percy	43 Cedar street, New York
1915§Jackson, Robert H.....	Jamestown
1906†Jackson, William S.....	Buffalo
1882§Jacobs, Abraham L.....	30 Broad street New York
1918*Jacobs, E. Louis.....	35 Nassau street, New York
1913 Jacobs, Ralph K.....	215 Montague street, Brooklyn
1913 Jacobson, I. N.....	15 Park Row, New York
1916*Jakobson, Louis	150 Nassau street, New York
1915 Jaques, George W.....	49 Wall street, New York
1912§Jaretzki, Alfred	49 Wall street, New York
1906 Jay, William H. E.....	204 Montague street, Brooklyn
1902†Jaycox, Walter H.....	Justice Supreme Ct., Patchogue
1917 Jayne, Chester A.....	81 Fulton street, New York
1919 Jeffery, Oscar W.....	34 Pine street, New York (Englewood, N. J.)
1919 Jellinek, Edward L.....	Buffalo
1913 Jenkins, Frank M.....	Saratoga Springs
1902 Jenkins, Fredric W.....	Binghamton
1914 Jenkins, James	Kingston
1919 Jenkins, James C.....	512 Fifth avenue, New York
1919 Jenks, Adelbert F.....	Albany
1898†Jenks, Almet F.....	Justice Supreme Court, Brooklyn
1920 Jenks, Edmund B.....	Whitney Point
1907§Jenney, William S.....	90 West street, New York
1913 Jennings, Albert T.....	Fulton
1888§Jennings, Frederick B.....	15 Broad street, New York
1914 Jennings, W. Irving.....	Catskill
1921 Jerome, William Travers...	37 Wall street, New York
1920 Jervey, Huger W.....	27 William street, New York
1893 Jessup, Henry W.....	55 Liberty street, New York
1914 Johnson, Arthur M.....	Mount Vernon
1907 Johnson, Edwin J.....	49 Wall street, New York
1907 Johnson, Frank Verner....	2 Rector street, New York
1902 Johnson, John A.....	Morrisville
1913 Johnson, Norman	11 John street, New York
1895 Johnson, Russel S.....	Utica
1921 Johnston, John B.....	100 Broadway, New York
1921 Johnston, Joseph S.....	34 Nassau street, New York
1900 Johnston, Russell M.....	Albany
1912*Jonas, Ralph	115 Broadway, New York
1913 Jones, Abbott H.....	Troy

* Residence in Second District.

† Life member.

§ Residence in Ninth District.

‡ Honorary member.

Elected

1904 Jones, Albert E.....	Buffalo
1919 Jones E. Willard.....	Utica
1914 Jones, Edward P.....	Port Jervis
1916 Jones, Edwin A.....	92 Liberty street, New York
1913 Jones, Jay S.....	215 Montague street, Brooklyn
1919 Jones, Percival S.....	27 Pine street, New York
1918 Jones, T. Catesby.....	64 Wall street, New York
1917* Jones, Wm. A., Jr.....	233 Broadway, New York
1917 Jordan, Albert C.....	Yonkers
1916 Jordan, Francis	255 Ryerson street, Brooklyn
1913 Joseph, George Edw.....	165 Broadway, New York
1915 Joseph, Irving J.....	135 Broadway, New York
1920 Jube, Albert R.....	7 Wall street, New York (East Orange, N. J.)
1910 Judge, James P.....	189 Montague street, Brooklyn
1903 Judge, John H.....	261 Broadway, New York
1915 Judson, George D.....	Lockport
1919 Judson, Lucius E.....	County Court House, Brooklyn
1919 Judson, S. Sheldon.....	Utica
1915 Jung, Edward L.....	Buffalo
1912†Jusserand, Jean Jacques....	Washington, D. C.
1921 Kane, Frederick L.....	51 Chambers street, New York
1904 Kane, Michael N.....	Warwick
1909†Kapper, Isaac M.....	Justice Supreme Court, Brooklyn
1913‡Karelsen, Eph. A.....	87 Nassau street, New York
1919 Karle, John L.....	818 Cypress avenue, Brooklyn
1910 Kattell, Thomas B.....	Binghamton
1913 Kaufman, Henry H.....	115 Broadway, New York
1916 Kaufmann, S. Walter.....	43 Exchange place, New York
1909 Keating, George P.....	Buffalo
1919 Keating, Stephen H.....	52 Chambers street, New York
1920 Keck, Frederick A.....	50 Court street, Brooklyn
1892 Keck, Jeremiah	Johnstown
1919 Keegan, Gertrude R.....	Binghamton
1901 Keenan, Thomas J.....	Binghamton
1919 Keim, John Howard.....	25 Broad street, New York
1912†Kelby, Charles H.....	Justice Supreme Court, Brooklyn
1917 Keleher, William T.....	2 Rector street, New York
1919†Kelley, Charles E.....	30 Pine street, New York
1898 Kelley, Charles F.....	140 Nassau street, New York
1916 Kelley, Nicholas	80 Broadway, New York
1906†Kellogg, Abraham L.....	Justice Supreme Court, Oneonta
1905 Kellogg, Frederic R.....	52 Broadway, New York (Morris-town, N. J.)
1903†Kellogg, Henry T.....	Justice Supreme Ct., Plattsburg
1892†Kellogg, John M.....	Justice Sup. Ct., Ogdensburg
1901 Kellogg, Joseph A.....	15 Broad street, New York (Glens Falls)
1915 Kellogg, MacIntosh	115 Broadway, N. Y. (Spring Lake, N. J.)
1900 Kellogg, Ralph A.....	Buffalo
1904 Kellogg, Virgil K.....	Watertown
1911 Kellogg, Walter Guest.....	Ogdensburg
1907 Kelly, James Allison.....	60 Wall street, New York

* Residence in Second District.

‡ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1904 Kelly, John E.....	Albany
1915 Kelly, Paul B.....	Cortland
1914 Kelly, Richard	233 Broadway, New York
1889 Kelly, Richard B.....	233 Broadway, New York
1921 Kelly, Thomas W.....	2 Rector street, New York
1903† Kelly, William J.....	Justice Sup. Ct., Brooklyn
1919 Kendall, Messmore	120 Broadway, New York
1906 Kenefick, Daniel J.....	Buffalo
1915 Kenefick, J. Leroy	Buffalo
1912 Kenmore, Charles A.....	215 Montague street, Brooklyn
1909 Kennedy, George H.....	Buffalo
1912 Kennedy, Henry W.....	66 Broadway, New York
1919 Kennedy, James K.....	Syracuse
1902 Keneson, Thaddeus D.....	53 Washington square, New York
1916 Kenney, William J.....	New Brighton
1893 Kent, Edwin C.....	156 Broadway, New York
1919 Kent, Ralph S.....	Buffalo
1919 Kent, Willard M.....	Ithaca
1903 Kenyon, Robert N.....	61 Broadway, New York
1890† Keogh, Martin J.....	Justice Supreme Court, New Rochelle
1913§ Keogh, Thomas F.....	233 Broadway, New York
1921 Kerfoot, Branch P.....	200 Fifth avenue, New York
1910 Kernan, Francis K.....	Utica
1913 Kernan, George A.....	Utica
1876 Kernan, John D.....	Utica
1912 Kernan, Walter N.....	Utica
1910 Kernan, Warnick J.....	Utica
1919 Kerngood, Norman W.....	233 Broadway, New York
1917 Kernochan, Frederic	32 Franklin street, New York
1876§ Kernochan, J. Frederic	141 Broadway, New York
1910 Kerr, J. Henry.....	Auburn
1917 Ketcham, Herbert T.....	32 Court street, Brooklyn
1921 Keve, Abraham B.....	2 Rector street, New York
1921 Keyes, Leanhard A.....	23 Wall street, New York
1892 Kidder, Camillus G	55 Liberty street, New York
1892§ Kiddle, Alfred W.....	115 Broadway, New York
1913 Kilbreth, James T.....	34 Pine street, New York
1917 Kiley, Edward A.....	Canastota
1902 Kiley, James S.....	Glens Falls
1901† Kiley, Michael H.....	Justice Sup. Ct., Cazenovia
1909 Killeen, Henry W.....	Buffalo
1919 Killian, Arthur.....	Niagara Falls
1902§ Kilmer, Clarence B.....	Saratoga Springs
1914 Kilsheimer, James B.....	198 Broadway, New York
1912 Kilsheimer, James B., Jr....	198 Broadway, New York
1902 Kimball, Charles W.....	Penn Yan
1902 Kimball, Francis	Albany
1917 Kimball, Henry J.....	Watertown
1920 Kimball, Maulsby	Buffalo
1920 King, Albert John.....	7 East 42d street, New York
1908 King, Arthur M.....	31 Liberty street, New York
1901 King, Charles F.....	Glens Falls
1909 King, Chester H.....	Syracuse
1913 King, Edwin A.....	Troy
1919† King, Frederick P.....	160 Broadway, New York

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1903 King, James G.....	80 Broadway, New York
1894 King, Louis M.....	Schenectady
1914 King, Thomas H.....	Oswego
1920 King, Robert N.....	27 Cedar street, New York
1920 King, William H.....	155 East 39th street, New York
1916 Kingsbury, Howard T.....	2 Rector street, New York
1919 Kingsley, Jesse E.....	Syracuse
1913§Kinnicut, Francis H.....	120 Broadway, New York
1913 Kirby, Thomas A.....	Albion
1919 Kirk, William Anderson....	32 Liberty street, New York (Milburn, N. J.)
1907*Kirlin, J. Parker.....	27 William street, New York
1907†Kirtland, Michel.....	2 Wall street, New York
1916†Kitchel, William Lloyd....	40 Wall street, New York
1913 Kleeberg, Gordon S. P.....	166 Broadway
1912 Klein, Henry.....	Kingston
1917 Klein, William.....	120 Broadway, New York
1907 Kling, Joseph.....	160 Broadway, New York
1913 Klingenstein, William.....	309 Broadway, New York
1920 Klots, Allen T.....	32 Liberty street, New York
1920 Knapp, Clarence H.....	Saratoga Springs
1919 Knapp, James R.....	30 East 42nd street, New York
1892 Knapp, Martin A.....	Southern Bldg., Washington, D. C.
1909 Knapp, Walter H.....	State Tax Dept., Albany (Canandaigua)
1902§Kneeland, A. Delos.....	115 Broadway, New York
1920 Knight, John.....	Arcade
1900 Knox, Arthur.....	198 Broadway, New York
1902 Knox, Herbert Allan.....	291 Broadway, New York
1919†Knox, John C.....	Judge U. S. Dis. Ct., N. Y.
1912†Knox, Philander C.....	Pittsburgh, Pa.
1915 Kobbe, Frederick Wm.....	49 Wall street, New York
1889 Kobbe, George C.....	46 Cedar street, New York
1912 Koehler, Jerome H.....	61 Broadway, New York
1919 Koehler, Robert H.....	7 Wall street, New York
1920 Koenig, Morris.....	314 East 4th street, New York
1918 Koenig, Samuel S.....	27 Cedar street, New York
1920 Kohl, Edwin Phillips.....	11 Broadway, New York
1912 Kohl, Henry.....	Newburgh
1916 Kohlman, Francis L.....	43 Cedar street, New York
1921 Kohlmann, Hugo.....	30 Broad street, New York
1920 Kohn, Benjamin.....	Rockaway Beach
1916 Korkus, Emil P.....	5 Beekman street, New York
1917 Kouwenhoven, Harry W...	44 Court street, Brooklyn
1921 Kresel, Isidore J.....	37 Wall street, New York
1885†Kruise, Frederick W.....	Justice Supreme Court, Olean
1912*Kuhn, John J.....	115 Broadway, New York
1920 Kuhn, Walter R.....	115 Broadway, New York
1889†Kursheedt, Manuel A.....	302 Broadway, New York
1919*Kutscher, Harry.....	50 Broad street, New York
1915 Kyle, Arthur C.....	Monticello
1913 Lackey, Edward W.....	Tannersville
1916 Lachman, Samson.....	61 Broadway, New York
1889 Lacombe, E. Henry.....	49 Wall street, New York

• Residence in Second District.

‡ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1904 Ladd, Carlton E.....	Buffalo
1914§LaFetra, Edward B.....	City Court, New York
1920 Laing, Philip A.....	Buffalo
1921 Lake, Howard C.....	30 Pine street, New York
1909 Lamb, Albert E.....	189 Montague street, Brooklyn
1917 Lamb, Gilbert D.....	115 Broadway, New York
1887†Lambert, John S.....	Justice Supreme Ct., Fredonia
1920 LaMotte, L. Howell.....	Municipal Bldg., New York
1919 Lancaster, William W.....	55 Wall street, New York
1921 Lane, Charles J.....	261 Broadway, New York
1902 Lane, Wolcott Griswold....	80 Broadway, New York
1911 Lang, Louis P.....	Syracuse
1905†Lansing, Robert	Watertown
1909 Lanza, Horace O.....	Buffalo
1912 Lapham, Nathan D.....	Geneva
1921 Lark, Charles T.....	527 Fifth avenue, New York
1902 Larkin, Michael J.....	Rome
1912 Larocque, Joseph	40 Wall street, New York
1912 Laski, Leon	160 Broadway, New York
1914 Latham, Dudley E.....	280 Broadway, New York
1913 Latner, Martin H.....	350 Fulton street, Brooklyn
1917 Latson, Almet Reed.....	55 John street, New York
1919†Lattin, C. Parker.....	31 Nassau street, New York
1907§Lauer, Edgar J.....	624 Madison avenue, New York
1886†Laughlin, Frank C.....	Justice Supreme Court, Buffalo
1889 Lauterbach, Edward	22 William street, New York
1921 Lavenburg, Arthur	116 Broad street, New York
1913 Lawrence, George B.....	Stillwater
1912†Lazansky, Edward	Justice Supreme Court, Brooklyn
1920 Lazarus, Max	200 Broadway, New York
1904§Leach, John Anderson.....	Long Island City
1917 Leahy, David T.....	165 Broadway, New York
1907 Leale, Loyal	31 Nassau street, New York
1909 Leary, Herbert	Rochester
1889 Leavitt, John Brooks.....	2 Rector street, New York
1913 Le Barbier, Charles E.....	31 Nassau street, New York
1899 Le Boeuf, Randall J.....	Albany
1919 Ledyard, Lewis Cass.....	14 Wall street, New York
1912 Lee, David F.....	Norwich
1921 Lee, Duncan Campbell.....	Middle Temple. E. C. H., London, England
1913 Lee, Louis Franklin.....	135 Broadway, New York
1921 Lee, Thomas B.....	Niagara Falls
1877§Leeds, Theodore E.....	32 Nassau street, New York
1921 Leffingwell, R. C.....	52 William street, New York
1897 Leggett, E. H.....	Atty.-Gen'l's office, Albany (Syracuse)
1904 Leggett, J. C.....	Cuba
1909†Lehman, Irving	Justice Supreme Ct., New York
1916 Leibel, Vincent L.....	51 Chambers street, New York
1920 Lennox, Frank R.....	Syracuse
1914 Leon, Maurice	60 Wall street, New York
1919 Lesinsky, Albert R.....	149 Broadway, New York
1913 Lesser, Benjamin	299 Broadway, New York
1919 Lessler, Montague	31 Nassau street, New York
1915 Lester, Arthur H.....	Warsaw
1901 Lester, James W.....	Saratoga Springs

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1904 Lester, Levant D.....	Buffalo
1909 Letchworth, Edward H....†	Buffalo
1912 Leventritt, David	111 Broadway, New York
1918 Leventritt, Edgar M.....	111 Broadway, New York
1903 Levi, Joseph C.....	37 Liberty street, New York
1916 Levin, Albert A.....	215 Montague street, Brooklyn
1913 Levis, Robert P.....	42 Broadway, New York
1920 Levison, Benjamin	Nyack
1913 Levison, Philip	115 Broadway, New York
1916*Levy, Aaron William.....	60 Wall street, New York
1913 Levy, Felix H.....	128 Broadway, New York
1910*Levy, Leo	90 Wall street, New York
1917 Levy, Louis S.....	Equitable Building, New York
1921 Levy, T. Aaron.....	Syracuse
1912 Lewinson, Benno	119 Nassau street, New York
1892§Lewis, Ceylon H.....	Syracuse
1916 Lewis, Clarence M.....	43 Cedar street, New York
1915 Lewis, Edmund H.....	Syracuse
1919 Lewis, Frederick E.....	Utica
1915 Lewis, George Curtis.....	Lockport
1920 Lewis, George F.....	37 Wall street, New York (Glen Ridge, N. J.)
1913 Lewis, Harry E.....	50 Court street, Brooklyn
1918 Lewis, L. Ray.....	Hudson Falls
1919†Lewis, Liston L.....	120 Broadway, New York
1914 Lewis, Loran L., Jr.....	Buffalo
1909†Lewis, Merton E.....	27 Pine street, New York (Rochester)
1913 Lewis, Oscar A.....	50 Court street, Brooklyn
1901§Lewis, Roger	44 Wall street, New York
1919 Lewis, William L.....	Binghamton
1916 Lewisohn, Samuel A.....	61 Broadway, New York
1915 Lexow, Morton	Suffern
1913 Lichtig, Arnold	141 Broadway, New York
1919 Liddle, James W.....	Schenectady
1908 Liebmman, Walter H.....	507 Fifth avenue, New York
1889§Lincoln, C. Z.....	Buffalo
1918 Lind, Alfred D.....	46 Cedar street, New York
1919*Lindemann, Ernest T.....	2 Rector street, New York
1918 Lindheim, Norvin R.....	43 Exchange place, New York
1893 Lindsay, John D.....	43 Cedar street, New York
1920 Linington, Stephen W.....	41 Park Row, New York
1921 Lippincott, Harold E.....	1 East 45th street, New York
1919 Lisle, David B.....	Utica
1913 Little, Archibald McVey....	Rochester
1909 Little, J. C.....	Saranac Lake
1921 Littlefield, C. W.....	120 Broadway, New York
1913 Littlejohn, George A.....	Mineola
1915 Littleton, Martin W.....	149 Broadway, New York
1916†Livermore, Arthur L.....	2 Rector street, New York
1913 Livermore, Paul S.....	Ithaca
1913 Livingston, Cambridge	346 Broadway, New York
1913 Lobdell, Leighton	111 Broadway, New York
1921 Locke, William H.....	Syracuse
1919 Lockwood, E. W.....	Hartwick
1916 Longfellow, Frederick W....	20 Exchange place, New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1919 Loomis, Alfred L.....	32 Liberty street, New York
1919 Loomis, Homer L.....	52 Broadway, New York
1912 Lord, Franklin B.....	49 Wall street, New York
1918 Losie, Thomas M.....	Elmira
1917 Lotsch, John L.....	10 Wall street, New York
1915 Loucks, J. Harris.....	126 State street, Albany
1910 Loucks, William Dewey....	120 Broadway, New York
1913 Loughran, Frank E.....	220 Broadway, New York
1918 Louis, I. Balch.....	1269 Broadway, New York
1913 Love, William F.....	Rochester
1902§ Lovelace, Frederick L.....	Niagara Falls
1915 Lovell, Ross M.....	Elmira
1920 Low, Benjamin R. C.....	120 Broadway, New York
1913 Low, Ethelbert I.....	120 Broadway, New York
1909*Low, Walter Carroll.....	346 Broadway, New York
1912 Low, William G.....	30 Broad street, New York
1909 Lowenthal, Sidney	141 Broadway, New York
1903 Lown, Frank B.....	Poughkeepsie
1919 Lowrie, John M.....	7 Dey street, New York
1920 Luce, Leverett J.....	165 Broadway, New York
1913 Luce, Robert L.....	140 Nassau street, New York
1919 Lucey, D. B.....	Ogdensburg
1918*Ludlow, Francis H.....	38 Park Row, New York
1916 Ludvigh, Elek John.....	485 Fifth avenue, New York
1913 Lusk, Clayton R.....	Cortland
1912§ Lustgarten, William	68 William street, New York
1906 Lybolt, Frank	Port Jervis
1919 Lydecker, Wallace B.....	Nyack
1919†Lydon, Richard P.....	Justice Sup. Ct., New York
1912*Lynch, Daniel E.....	347 Fifth avenue, New York
1921 Lynch, Humphrey J.....	White Plains
1915 Lynch, Martin S.....	Owego
1917 Lynn, Wauhope	37 Liberty street, New York
1911 Lyon, DeWitt H.....	Port Chester
1907*Lyon, Edward P.....	43 Cedar street, New York
1901 Lyons, John D.....	Monticello
1913 Lytle, Almon W.....	Buffalo
1912 Maass, Herbert H.....	100 Broadway, New York
1914 MacClary, Thomas A.....	Union
1921†MacCrate, John	Justice Supreme Court Brooklyn
1912 Macfarlane, Wallace	26 Liberty street, New York
1914 MacHenry, Charles A.....	115 Broadway, New York
1918 MacIntyre, Francis J.....	61 Broadway, New York
1916 Mack, Harry W.....	342 Madison avenue, New York
1915 Mack, John E.....	Poughkeepsie
1892 Mackellar, George M.....	43 Cedar street, New York
1911 Mackenzie, William A.....	Syracuse
1913 Mackey, Edwin A.....	Franklin
1901 MacLean, John E.....	Cohoes
1919 MacLean, William H.....	Rochester
1915 Macrery, Andrew	34 Nassau street, New York
1902§MacVeagh, Charles	15 Broad street, New York
1917 Madeo, Antonio	215 Montague street, Brooklyn
1902 Magee, Walter Warren....	458 House Office Building, Wash- ington, D. C. (Syracuse)

* Residence in Second District.

§ Life member.

† Honorary member.

Elected

1921 Maguire Joseph F.....	375 Fulton street, Brooklyn
1916*§Mahon, William J.....	111 Broadway, New York
1913 Mahoney, Jeremiah Titus...	51 Chambers street, New York
1916 Malcolm, James Lewis.....	Catskill
1909 Malevinsky, Moses L.....	Fitzgerald Bldg., Times Sq., New York
1914 Mallett-Prevost, Severo	30 Broad street, New York
1912 Maloney, William P.....	41 Wall street, New York
1919 Maloy, Joseph	St. George
1909 Malsan, Adrian S.....	Utica
1876§Man, Frederick H.....	56 Wall street, New York
1912 Mandeville, H. C.....	Elmira
1919 Mangan, Thomas J.....	Binghamton
1909 Manheim, Jacob	302 Broadway, New York
1919 Manice, Wm. DeForest.....	120 Broadway, New York
1916 Manierre, Charles E.....	7 East 42nd street, New York
1906 Manley, Lucius N.....	Long Island City
1919 Mann, James	Rochester
1921 Mann, William	Grand Central Terminal, New York
1905†Manning, David F.....	Justice Supreme Court, Brooklyn
1902 Mansfield, Howard	25 Broadway, New York
1913†Manton, Martin T.....	Judge U. S. Cir. Ct., New York
1915 March, Moncure	120 Broadway, New York
1899†Marcus, Louis W.....	Justice Supreme Court, Buffalo
1918 Marcus, Samuel	Woolworth Bldg., New York
1898 Marcy, William L.....	Buffalo
1914 Marks, Maurice	19 Park place, New York
1917*Marlow, Ernest W.....	63 Wall street New York
1920 Marlowe, Richard	Elmira
1916 Marsh, Charles C.....	2 Wall street, New York (East Orange, N. J.)
1915 Marsh, D. A.....	85 Clinton street, Brooklyn
1909 Marsh, Ednor A.....	Rochester
1918 Marsh Rolph	14 Wall street, New York
1916 Marsh, Robert McC.....	31 Liberty street, New York
1921 Marshall, Charles A.....	71 Broadway, New York
1913 Marshall, H. Snowden.....	111 Broadway, New York
1912 Marshall, J. Markham.....	25 Broad street, New York
1886§Marshall, Louis	120 Broadway, New York
1920 Marshall, Trenholm H.....	52 William street, New York
1920†Martin, Francis	Justice Supreme Court New York
1906 Martin, Richard R.....	Utica
1915 Martin, William J.....	64 Wall street, New York
1917 Marvin, Benjamin	Jamaica
1912 Marvin, Langdon Parker.	52 Wall street, New York
1913 Mason, Charles B.....	Utica
1916 Mason, Jarvis W.....	100 Broadway, New York
1916*Mason, John D.....	22 William street, New York
1902 Masten, Arthur H.....	49 Wall street, New York
1903†Masujima, Dr. R.....	Yokohama, Japan
1919 Matterson, Wordsworth B..	Syracuse
1911 Mathewson, Douglas	2024 Creston avenue, New York
1913 Matson, Albert J.....	Bolivar
1912 Matson, Willis A.....	Rochester
1913 May, Mitchell	118 Schermerhorn St., Brooklyn

* Residence in Second District.

§ Life member.

† Honorary member.

Elected

1921 Mayer, Arthur	261 Broadway, New York
1898 Mayer, Henry James.....	149 Broadway, New York
1905†Mayer, Julius M.....	Judge U. S. District Ct., N. Y.
1918†Mayer, Milton	220 Broadway, New York
1896 Maynard, Reuben Leslie....	141 Broadway, New York
1915 Maynard, William C.....	Schenectady
1912 McAdoo, William	300 Mulberry street, New York
1921 McAdoo, William G.....	120 Broadway, New York
1913 McAllister, Peter F.....	Ithaca
1913†McAvoy, John V.....	Justice Sup. Ct., New York
1913†McCabe, Ambrose F.....	55 Liberty street, New York
1920 McCaffrey, Joseph T.....	Oswego
1916 McCaffry, Frank X.....	44 Court street, Brooklyn
1914 McCall, Edward E.....	165 Broadway, New York
1911 McCall, James	Bath
1905†McCann, George	Justice Sup. Ct., Elmira
1902 McCann, Henry J.....	Albany
1910 McCarrick, Thomas P.....	Rochester
1904 McCarthy, Charles E.....	Troy
1906 McCarthy, Charles T.....	Glen Cove
1916 McCarthy, John P.....	Glen Cove
1904 McCarthy, Joseph A.....	Troy
1921 McCaskill, Oliver L.....	Ithaca
1914 McChesney, Calvin S.....	Troy
1920 McClary, Arthur E.....	Malone
1920 McClintock, Harvey C.....	14 Wall street, New York
1916 McCloy, Joseph F.....	56 Pine street, New York
1920 McConnell, J. A.....	Watertown
1907†McCook, Philip James.....	Justice Supreme Court, N. Y.
1907 McCord, Robert	Peekskill
1918 McCormick, Helen P.....	66 Court street, Brooklyn
1919 McCormick, Karl A.....	Buffalo
1913 McCormick, Robert M.....	45 William street, New York
1902 McCrahan, John H.....	Syracuse
1914 McCrary, A. J.....	Binghamton
1907 McCulloh, Allan	120 Broadway, New York
1893§McCurdy, Delos	66 Broadway, New York
1905§McDermott, Charles J....	2 Rector street, New York
1919*McDivitt, Francis Stockton.	149 Broadway, New York
1910*McDonald, K. C.....	51 Chambers street, New York
1921 McDowell, Boyd	Elmira
1891§McElhinney, James W.....	41 Park Row, New York
1920 McEwen, Kenneth	30 Broad street, New York
1916 McFarlane, J. F.....	Nyack
1919 McGannon, T. Paul.....	Albany
1920 McGivney, Arthur A.....	61 Broadway, New York
1914§McGoldrick, Edward J.....	20 Exchange place, New York
1912 McGrew, Fitzhugh	14 Wall street, New York
1913 McGuire, John C.....	Hotel St. George, Brooklyn
1915 McHarg, Ormsby	115 Broadway, New York
1909 McIlwaine, Tompkins	52 William street, New York
1913§McInerney, John J.....	Rochester
1915 McIntosh, James H.....	346 Broadway, New York
1915 McIntyre, Ernest W.....	Buffalo
1920 McKay, Thomas L.....	Oswego

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1916 McKean, Andrew P.....	Troy
1919 McKee, Lanier	34 Nassau street, New York
1912 McKelvey, Charles W.....	45 Wall street, New York
1907 McKelvey, John Jay.....	43 Cedar street, New York
1912 McKelvey, Lawrence B.....	Saratoga Springs
1898†McKenna, Joseph	Justice U. S. Supreme Court, Washington, D. C.
1912 McKenna, Thomas P.....	52 Broadway, New York
1920 McKennee, Thorndyke M...	Long Island City
1917 McKenzie, George W.....	189 Montague street, Brooklyn
1921 McKercher, Clark	17 Battery place, New York
1920 McKinley, Eugene F.....	White Plains
1919§McKinney, Glenn Ford.....	52 William street, New York
1919 McKinsty, Arthur P.....	60 Wall street, New York
1904 McKnight, Horace E.....	Ballston Spa
1913 McLanahan, Scott	135 Broadway, New York
1913 McLaughlin, Alonzo G.....	15 William street, New York
1896†McLaughlin, Chester B.....	Judge, Ct. of Appeals, Port Henry
1895 McLean, Eugene	Watervliet
1910 McLean, Joseph	Rochester
1910 McLeer, James Crooke.....	189 Montague street, Brooklyn
1920 McMahan, Carl L.....	Saratoga Springs
1913 McMahan, Edward W.....	100 Broadway, New York
1892 McMahan, Fulton	165 Broadway, New York
1913 McMahan, James C.....	Port Henry
1892§McMahan, John D.....	Rome
1917 McMahan, Johnson D.....	Rome
1913 McManus, Terence J.....	170 Broadway, New York (Hack- ensack, N. J.)
1913 McMullen, John J.....	Schenectady
1918 McMullen, John R.....	277 Broadway, New York
1913 McNaboe, James F.....	68 William street, New York
1919 McNamara, Helen C.....	Binghamton
1916 McNaught, Andrew J.....	Stamford
1902 McNulty, William D.....	141 Broadway, New York
1915 McParlan, Edward C.....	Long Island City
1914†McReynolds, James C.....	Justice U. S. Supreme Court, Washington, D. C.
1919 McRorie, William C.....	Milford
1920 McVeigh, Charles S.....	32 Liberty street, New York
1908*McWilliams, Howard	31 Nassau street, New York
1913 Mead, Benjamin C.....	Auburn.
1919 Mead, Carl A.....	55 Wall street, New York
1918 Mead, Robert G.....	62 Cedar street, New York
1906 Meagher, Frederick J.....	Binghamton.
1917 Meagher, John J.....	Hall of Records, Brooklyn.
1904 Means, William H.....	Buffalo.
1915 Medina, Harold R.....	34 Nassau street, New York.
1901 Meeker, Rollin W.....	Binghamton.
1904§Mehan, William A.....	Ballston Spa.
1913†Meighan, Burton C.....	120 Broadway, New York.
1912 Melcher, John S.....	54 William street, New York
1920 Meldon, Alfred W.....	55 John street, New York
1916†Meldrim, Gen. Peter W.....	Savannah, Ga.
1907 Mellen, Chase	27 Cedar street, New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1921 Melick, Harry C. W.....	15 William street, New York
1912 Melville, Henry	45 Cedar street, New York
1919 Melvin, Crandall	Syracuse
1919 Melvin, Myron S.....	Syracuse
1919 Menzie, Herbert J.....	Rochester
1915§ Mercer, George, Jr.....	266 W. 23d street, New York.
1901 Merchant, Henry D.....	149 Broadway, New York (Nassau, Rensselaer County)
1904 Mereness, Charles S.....	Lowville
1919§ Merle-Smith, Van S.....	Washington, D. C.
1910† Merrell, Edgar S. K.....	Justice Sup. Ct., Lowville.
1912 Merriman, James D.....	2 Rector street, New York.
1914 Merritt, Walter Gordon.....	135 Broadway, New York.
1920 Messler, Benjamin E.....	256 Broadway, New York
1916 Metcalf, Orlando P.....	115 Broadway, New York.
1913 Meyer, Abraham G.....	Justice City Court, New York
1919 Meyer, Charles B.....	42 West 44th street, New York
1920 Meyer, Schuyler M.....	20 Exchange place, New York
1913 Meyer, Walter E.....	14 Wall street, New York
1907 Meyers, James Cowden.....	51 E. 42d street, New York
1915 Miceli, Frank A.....	Buffalo
1903 Michael, Edward	Buffalo
1903 Middlebrook, Frederic J....	7 Dey street, New York
1900 Miehlmg, Edward	258 Broadway, New York
1907 Milbank, Albert G.....	49 Wall street, New York
1898 Milburn, John G.....	54 Wall street, New York
1915 Milford, Charles R.....	Skaneateles
1914 Millard, Charles D.....	Tarrytown
1899§ Millard, Frank V.....	Tarrytown
1915 Millener, Seward H.....	Buffalo
1901 Miller, Charles A.....	Utica
1909* Miller, Charles Coleman....	38 Park Row, New York
1912† Miller, Charles Sumner....	2 Rector street, New York
1911 Miller, Clayton I.....	Pulaski
1916 Miller, David Hunter.....	61 Broadway, New York
1913 Miller, Harry	Jamaica
1904 Miller, John D.	Schenectady
1913 Miller, Manasseh	350 Fulton street, Brooklyn
1920 Miller, Moses	Port Chester
1903† Miller, Nathan L.....	Albany (Syracuse)
1912 Miller, Seaman	2 Rector street, New York
1919 Miller, William M.....	Schenectady
1907 Miller, William Wilson....	24 Broad street, New York
1917 Milligan, Fred G., Jr.....	375 Fulton street, Brooklyn
1920 Mills, Edward N.....	Buffalo
1919 Mills, Franklin H.....	30 Pine street, New York
1892† Mills, Isaac N.....	Justice Sup. Ct., Mt. Vernon
1916 Mills, Leroy N.....	Mt. Vernon
1916 Mills, Ogden L.....	15 Broad street, New York
1916 Miner, Karl R.....	206 Broadway, New York
1916 Mingle, Harry Bowers.....	Woolworth Bldg., New York (Orange, N. J.)
1902§ Minrath, Ferdinand R.....	22 William street, New York
1916 Minton, Francis L.....	290 Broadway, New York
1919 Mintz, Aaron G.....	Ithaca

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1921 Mitchell, Cornelius von E...	44 Wall street, New York
1900 Mitchell, Frederick G.....	Buffalo
1902 Mitchell, James McC.....	Buffalo
1912 Mitchell, Joseph V.....	1109 Woolworth Bldg., N. Y.
1917† Mitchell, Richard H.....	Justice Sup. Ct., New York
1912 Mitchell, Roscoe R.....	Buffalo
1918 Mitchell, Walter B. J.....	Yonkers
1904 Mitchell, Willard A.....	141 Broadway, New York
1878 Mitchell, William	44 Wall street, New York
1917 Moffett, Robert Elwell.....	894 Broadway, Brooklyn
1910* Molloy, Henry P.....	25 Broad street, New York
1891 Monfort, Henry A.....	Jamaica
1903 Monroe, Robert Grier.....	26 Liberty street, New York
1921 Montague, Gilbert H.....	40 Wall street, New York
1918 Montgomery, Robert H.....	55 Liberty street, New York
1904§ Mooney, Edmund Luis.....	38 Pine street, New York
1909 Moore, Arthur R.....	Fredonia
1920 Moore, Guy B.....	Buffalo
1915 Moore, George J.....	Malone
1904 Moore, Harrison S.....	Flushing
1912 Moore, James	Rochester
1921 Moore, James O.....	Buffalo
1913 Moore, Joseph L.....	Fort Plain
1919† Moore, William A.....	29 Liberty street, New York
1920 Moore, Wm. Austin.....	215 Montague street, Brooklyn
1909 Moore, William S.....	Geneva
1913 Moore, William T.....	Mechanicville
1881 Moot, Adelbert	Buffalo
1913 Moot, Richmond D.....	Schenectady
1915 Moot, Welles V.....	Buffalo
1920 Moran, Samuel F.....	14 Wall street, New York
1914 Moran, William J.....	76 William street, New York
1903§ Morawetz, Victor	44 Wall street, New York
1906 Morehouse, D. P.....	Oswego
1909 Morey, Joseph Harrison.....	Buffalo
1905 Morgan, George W.....	32 Liberty street, New York
1912* Morgan, John Hill.....	20 Exchange Pl., New York
1916 Morgan, William Osgood...	115 Broadway, New York (Montclair, N. J.)
1920 Morrill, William W.....	Troy
1898 Morris, Heman W.....	Rochester
1904 Morris, John H.....	Saratoga Springs
1916 Morris, Robert C.....	27 Pine street, New York
1919* Morris, Theodore W., Jr...	15 Broad street, New York
1916 Morris, William J., Jr.....	Long Island City
1902 Morrison, Archie B.....	140 Nassau street, New York
1907 Morrow, Dwight W.....	23 Wall street, New York (Englewood, N. J.)
1906 Morschauer, Charles	Poughkeepsie
1906† Morschauer, Joseph	Justice Supreme Court Poughkeepsie
1915 Morse Arthur W.....	New Berlin
1888 Morse, Waldo G.....	10 Wall street, New York
1913 Moscovitz, Grover M.....	189 Montague street, Brooklyn
1921 Moses, Alfred S.....	121 Duane street, New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected.

1920 Moses, Michael	Newburgh
1919 Mosher, Burr W.....	Binghamton
1920 Mosher, Edgar S.....	Auburn
1904 Mosher, Lewis E.....	Elmira
1914 Mosle, A. Henry.....	30 Broad street, New York
1915 Mott, Frank H.....	Jamestown
1919 Mournigham, John L.....	Oswego
1919†Mowton, Edward P.....	92 Liberty street, New York
1919 Moyer, Irving	Fort Plain
1915 Mueller, John F.....	Buffalo
1891 Muhlfelder, David	Albany
1917†Mullan, George V.....	Justice Supreme Court, New York
1916 Mulqueen, Joseph F.....	32 Franklin street, New York
1911 Mulqueen, Michael J.....	253 Broadway, New York
1913*Murphy, Chas. Frederick....	50 Church street, New York
1904 Murphy, Edward, 2d.....	Troy
1909 Murphy, Joseph B.....	Syracuse
1919 Murphy, Sherman A.....	Albany
1913 Murphy, William E.....	346 Broadway, New York
1919 Murray, A. Gordon.....	56 Pine street, New York
1903 Murray, Geo. Welwood.....	37 Wall street, New York (Montclair, N. J.)
1914 Murray, T. E.....	314 W. 54th street, New York
1916†Murray, Timothy	141 Broadway, New York
1907†Murtha, Thomas F.....	55 Liberty street, New York
1918 Myers, Nathaniel	1790 Broadway, New York
1919 Myers, W. Fenton.....	Amsterdam
1913 Myers, S. S.....	60 Wall street, New York
1902 Nachtmann, Martin T.....	Albany
1903 Nadal, Charles C.....	92 Liberty street, New York
1915 Nagle, George A.....	375 Fulton street, Jamaica
1920 Nagle, Harold E.....	Hall of Records, New York
1907 Nash, J. Burnet.....	32 Liberty street, New York
1919 Nash, John F.....	Syracuse
1892 Nathan, Edgar J.....	128 Broadway, New York
1920 Nathan, Edgar J., Jr.....	128 Broadway, New York
1912 Nathan, Harold	111 Broadway, New York
1907 Naumburg, Bernard	170 Broad street, New York
1901 Naylor, Daniel, Jr.....	Schenectady
1920 Naylor, Levi William.....	41 Park Row, New York
1920 Neagle, Francis E.....	62 Cedar street, New York
1907 Neave, Charles	5 Nassau street, New York
1916*Needham, Henry C.....	93 Nassau street, New York
1912§Neilson, Robert H.....	52 William street, New York
1903 Neish, Alexander	Walton
1916 Nellany, Charles V.....	Law Dept., Municipal Bldg., New York
1892 Nellis, Andrew J.....	Albany
1912 Nellis, Merwyn H.....	Albany
1909†Nesbitt, Wallace, K. C.....	Toronto, Canada
1912 Neuman, Frederick F.....	2 Rector street, New York
1915 Nevius, Franklin	115 Broadway, New York
1905†Newburger, Joseph E.....	Justice Sup. Ct., New York
1913*Newcombe, Richard S.....	15 William street, New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1915 Newell, Albert P.....	Ogdensburg
1901 Newell, William Wirt.....	Binghamton
1912 Newgass, George W.....	2 Rector street, New York
1920 Newman, Charles H.....	Ithaca
1912 Newman, Emanuel	391 Fulton street, Brooklyn
1901 Newman, Jared T.....	Ithaca
1919†Newton, Charles D.....	Atty. Gen'l, Albany (Geneseo)
1900†Nichols, Charles E.....	Justice Sup. Ct., Jefferson
1909 Nichols, Edgar B.....	Cohoes
1892†Nichols, George L.....	49 Wall street, New York
1913 Nichols, William W.....	Rochester
1920 Nicoll, Courtlandt	149 Broadway, New York
1901 Nicoll, DeLancey	61 Broadway, New York
1898 Nicolson, John	32 Nassau street, New York
1898*Niemann, James P.....	41 Park Row, New York
1889 Niles, William White.....	299 Madison avenue, New York
1901 Nisbet, Charles S.....	Amsterdam
1902 Noble, Daniel	Jamaica
1916 Noble, H. Dutton, Jr.....	Auburn
1912 Noble, Herbert	115 Broadway, New York
1913 Nolan, John R.....	111 Broadway, New York
1913 Nolan, Michael D.....	Troy
1921 Noonan, James A.....	Niagara Falls
1920 Nooney, James A.....	55 John street, New York
1919 Nordlinger, H. H.....	60 Wall street, New York
1918*Nordlinger, Sidney	100 Broadway, New York
1912 Norris, Charles E.....	Carthage
1919 Northrop, Charles P.....	31 Nassau street, New York
1902 Norton, Eliot B.....	Cambridge
1876§Norwood, Carlisle	12 East 44th street, New York
1892 Nottingham, Edwin	Syracuse
1921 Noyes, Perley H.....	14 Wall street, New York
1919 Noyes, Walter C.....	32 Nassau street, New York
1921 Nugent, James F.....	60 Wall street, New York
1883 Nussbaum, Myer	51 Chambers street, New York
1911 Nye, Olin T.....	Buffalo
1916 Oakes, Elbert N.....	Middletown
1912 O'Brian, John Lord.....	Buffalo
1915§O'Brian, Roland Lord.....	Buffalo
1915 O'Brien, Dennis F.....	1482 Broadway, New York
1911 O'Brien, George W.....	Syracuse
1910 O'Brien, Jarvis P.....	Troy
1908 O'Brien, John E.....	115 Broadway, New York
1912 O'Brien, Morgan J.....	Equitable Building, New York
1921 O'Brien, Mortimer C.....	White Plains
1921 O'Callaghan, Maurice J....	60 Broadway, New York
1913 O'Connell, John J.....	31 Nassau street, New York
1904 O'Connor, Charles L.....	Buffalo
1913 O'Connor, Charles R.....	Hobart
1920 O'Connor, D. Basil.....	120 Broadway, New York
1905 O'Connor, James K.....	Utica
1914 O'Connor, James P.....	Municipal Building, New York
1917 O'Connor, John J.....	43 Cedar street, New York
1916 O'Connor, John K.....	Oswego

• Residence in Second District.

‡ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1914 O'Connor, Joseph P.....	Oswego
1920 O'Connor, Michael	Elmira
1902 O'Connor, Thomas	Waterford
1902 O'Connor, John C.....	2 Wall street, New York
1876 Odell, Hamilton	135 W. 75th street, New York
1899 O'Dwyer, Edward F.....	32 Chambers street, New York
1904*Oeland, Isaac R.....	115 Broadway, New York
1903 Ogden, David B.....	52 William street, New York
1911†O'Gorman, James A.....	37 Wall street, New York
1889 O'Gorman, Richard	51 Chambers street, New York
1896 O'Grady, James M. E.....	Rochester
1917 O'Keefe, George J.....	171 Atlantic avenue, Brooklyn
1888§Olcott, J. Van Vechten.....	80 Maiden lane, New York
1913 Olcott, Neilson, 2d.....	170 Broadway, New York
1913 Olcott, Wm. M. K.....	170 Broadway, New York
1919 Olds, Irving S.....	14 Wall street, New York
1920 O'Leary, Denis	Long Island City (Douglaston)
1903§Olin, Stephen H.....	34 Nassau street, New York
1920 Olney, George H.....	120 Broadway, New York
1902 Olney, Peter B.....	68 William street, New York
1912*Olney, Peter B., Jr.....	2 Rector street, New York
1908†O'Malley, Edward R.....	Buffalo
1920†O'Malley, James	Justice Supreme Court, New York
1889§Onderdonk, Andrew J.....	31 Pine street, New York
1913 O'Neil, Joseph S.....	Binghamton
1919 O'Neil, Wilfrid N.....	135 Broadway, New York
1909 O'Neill, Barney S.....	Massena
1911 O'Neill, Frank J.....	84 William street, New York
1912 O'Neill, James T.....	32 Court street, Brooklyn
1916 O'Neill, John M.....	367 Fulton street, Brooklyn
1883§Opdyke, William S.....	35 Nassau street, New York
1919 Openhym, Wilfred A.....	25 Broad street, New York
1890 Oppenheim, Myron H.....	92 Pine street, New York
1913 Oppenheimer, Leo	60 Wall street, New York
1917 Ordway, Samuel H.....	27 William street, New York
1921 Orr, George A.....	Niagara Falls
1916 Orr, William C.....	51 Chambers street, New York
1920 Osborn, A. Perry.....	52 William street, New York
1892 Osborn, Frank H.....	Catskill
1902†Osborn, William Church....	71 Broadway, New York
1916 Osborn, W. Russell.....	165 Broadway, New York
1912 Osborne, James W.....	115 Broadway, New York
1900 Ostrander, George N.....	Albany
1902 O'Sullivan, William J.....	Municipal Bldg., New York
1918§Otheman, Edward R.....	31 Nassau street, New York
1919 Otis, Harold	25 Broad street, New York
1920 Ottenberg, Irving S.....	206 Broadway, New York
1918 Otterbourg Edwin M.....	200 Fifth avenue, New York
1903 Ottinger, Nathan	120 Broadway, New York
1892 Oudin, Lucien	34 Pine street, New York
1913 Overlander, Rufus M.....	310 West 137th street, New York
1909 Oviatt, Percival De Witt....	Rochester
1894 Paddock, Frederick G.....	Malone
1907†Page, Alfred R.....	Justice Sup. Ct., New York

• Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1919†Page, Cecil	120 Broadway, New York
1920 Page, Charles C.....	Buffalo
1903 Page, Ephraim J.....	Syracuse
1914 Page, Maurice E.....	Binghamton
1919 Page, Richard M.....	27 Cedar street, New York
1907†Page, Thomas Nelson.....	Washington, D. C.
1908‡Page, William H.....	60 Liberty street, New York
1908 Paine, Willis S.....	334 Fifth avenue, New York
1920 Palmer, Robert C.....	Buffalo
1909 Palmer, William	Buffalo
1908 Parish, Edward C.....	52 Wall street, New York
1886†Parker, Alton B.....	111 Broadway, N. Y. (Esopus)
1902 Parker, C. Arthur.....	Gouverneur
1915 Parker, John R.....	Schenectady
1912 Parker, Junius	111 5th avenue, New York
1921 Parker, Spencer B.....	Niagara Falls
1919 Parker, Wells W.....	East Aurora
1914 Parkinson, Thomas I.....	606 Kent Hall, New York
1913 Parks, Elton	80 Broadway, New York
1912 Parmly, Randolph	? Rector street, New York
1920 Parshall, William A.....	Port Jervis
1919*Parsons, Frank H.....	60 Wall street, New York
1903 Parsons, Herbert	52 William street, New York
1902†Parsons, James A.....	162 State street, Albany
1906*Parsons, Wm. Bowne	55 Liberty street, New York
1912 Paskus, Benjamin G.....	128 Broadway, New York
1906 Paskus, Martin	2 Rector street, New York
1903 Patterson, Benjamin	149 Church street, New York
1907 Patterson, Frank M.....	140 Broadway New York
1914 Patterson, Frederick H.....	7 East 42d street, New York
1911 Patterson, Mortimer B.....	Nyack
1916 Patterson, William J.....	61 Broadway, New York
1912 Patterson, William M.....	45 Cedar street, New York
1902 Pattison, W. L.....	Plattsburg
1903 Paulding, Charles C.....	Grand Central Term., N. Y.
1915 Pavey, Frank D.....	32 Nassau street, New York
1904 Payne, Alvan T.....	Long Island City
1921 Payne, Arthur M.....	Middletown
1906 Payne, Edward T.....	31 Hendrick avenue, Glen Cove
1912 Payne, William K.....	Auburn
1912 Pease, Harry	Livonia
1916 Peck, Arthur J.....	71 Broadway, New York (Passaic, N. J.)
1913*Peck, Bayard L.....	26 Liberty street, New York
1898 Peck, Jerome Alvord	Port Chester
1914†Peckham, Wheeler H.....	32 Liberty street, New York
1907 Pegram, Henry	56 Beaver street, New York
1904 Pelletreau, Robert S.....	Patchogue
1914 Pembleton, John G.....	2 Rector street, New York
1903‡Pendleton, Francis K.....	Justice Supreme Court, New York
1919 Penny, Frederick W.....	Haverstraw
1919 Perkins, A. Roy.....	Mayville
1918 Perkins, Charles Albert	200 Fifth avenue, New York

* Residence in Second District.

‡ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1917 Perkins, Edward N.....	54 William street, New York
1919 Perkins, W. R.....	511 Fifth avenue, New York (Montclair, N. J.)
1919 Perrin, Lee J.....	59 Wall street, New York
1903*Perry, John Morris	80 Broadway, New York
1919 Personius, Ely W.....	Elmira
1915 Persons, James W.....	Buffalo
1918 Peters, Curtis A.....	55 Wall street, New York
1913 Peters, Thomas P.....	66 Court street, Brooklyn
1912 Pette, Alfred C.....	115 Broadway, New York
1919*Pettigrew, Bertrand L.....	25 Liberty street, New York
1912 Pettit, William S.....	Far Rockaway
1894 Petty, Robert D.....	890 West End Avenue, New York
1918 Pfeiffer, Alexander	46 Cedar street, New York
1916 Phelan, Thomas F.....	Troy
1907 Phelps, Luis James.....	149 Broadway, New York
1920 Philbin, Ewing R.....	52 William street, New York
1920 Philbin, Jesse Holladay.....	60 Wall street, New York
1921 Philbin, Stephen H.....	5 Nassau street, New York
1895§Philip, James P.....	Catskill
1916 Philipp, M. B.....	11 East 57th street, New York
1919 Philipp, Philip B.....	220 Broadway, New York
1909 Phillips, Bradley H.....	Buffalo
1912 Phillips, Edgar J.....	41 Park Row, New York
1904 Phillips, Jesse S.....	Albany (Hornell)
1913 Phillips, N. Taylor.....	51 Chambers street, New York
1902 Phillips, Samuel K.....	Beacon
1917 Pickard, C. A.....	Jamestown
1916 Pidgeon, Jose E.....	4 and 5 Court sq., Brooklyn
1910 Pierce, Charles L.....	Rochester
1892§Pierce, D. A.....	Syracuse
1921‡Pierce, George E.....	Justice Supreme Court Buffalo
1918 Pierce, Henry H.....	49 Wall street, New York
1919*Pierce, Winslow S.....	37 Wall street, New York
1907 Pierson, Charles W.....	120 Broadway, New York
1911 Pierson, Frederick T.....	Rochester
1916 Pinks, James Leslie.....	233 Broadway, New York
1916*Pinney, George M.....	Staten Island
1882 Piper, Giles S.....	Fulton
1900 Pitcher, Fred B.....	Watertown
1920 Pitcher, P. A.....	Watertown
1912‡Pitney, Mahlon	Justice U. S. Sup. Ct., Morris- town, N. J.
1903 Place, Ira A.....	Grand Central Term., N. Y.
1921 Plante, C. Bertram.....	15 William street, New York
1919 Platt, Clarence M.....	Rochester
1888 Platt, Frank H.....	120 Broadway, New York
1916 Platt, Livingston	120 Broadway, New York
1916‡Platt, William P.....	Jus. Sup. Ct., White Plains
1895‡Platzek, M. Warley.....	Justice Sup. Ct., New York
1913*Plitt, George W.....	150 Nassau street, New York
1909 Plumb, Erwin S.....	Rochester
1904 Plumb, William T.....	Rochester
1915 Polk, Frank L.....	15 Broad street, New York
1913§Pollak, Walter H.....	111 Broadway, New York
1915 Pomeroy, Robert W.....	Buffalo

* Residence in Second District.

§ Life member.

‡ Honorary member.

Elected

1904 Poole, Harry Otis.....	Rochester
1911†Pooley, Charles A.....	Justice Sup. Ct., Buffalo
1920 Pooley, Charles W.....	Buffalo
1906†Porter, Horace	277 Madison avenue, New York
1918 Porter, Louis H.....	30 Broad street, New York (Stamford, Conn.)
1911 Posner, Louis S.....	15 Broad street, New York
1915 Potter, Arnold J.....	61 Broadway, New York
1902 Potter, Mark W.....	Washington, D. C.
1895 Potter, Owen L.....	Albany
1909 Pottle, Henry W.....	Buffalo
1912 Potts, Joseph	70 Fifth avenue, New York
1900†Pound, Cuthbert W.....	Judge Ct. Appeals, Lockport
1915 Powell, Elisha B.....	Oswego
1919 Powell, Frederick J.....	7 Dey street New York
1916 Powell, Henry M.....	51 Chambers street, New York
1920 Powell, Thomas D.....	Buffalo
1918 Powell, Wilson M.....	7 Wall street, New York
1912 Pratt, Addison S.....	61 Broadway, New York
1913 Pratt, George C.....	195 Broadway, New York
1913 Pratt, John T.....	27 Pine street, New York
1905 Prentice, Ezra Parmelee....	61 Broadway, New York
1912 Prentice, Robert Kelly.....	245 Broadway, New York
1904 Prescott, G. Linnemann....	Rome
1895 Prescott, W. C.....	Herkimer
1919 Press, T. Channon.....	280 Broadway, New York
1917 Pressinger, Austin E.....	15 William street, New York
1920 Price, Guernsey	1 Liberty street, New York
1913 Prindle, Edwin J.....	111 Broadway, New York
1913 Prioleau, Thomas G.....	17 Battery place, New York
1911 Pritchard, George E.....	Utica
1912 Probasco, Samuel K.....	153 Pierrepont street, Brooklyn
1908 Proskauer, Joseph M.....	111 Broadway, New York
1917†Pugsley, Chester D.....	61 Broadway, New York
1920 Purcell, Francis K.....	Watertown
1900 Purcell, Henry	Watertown
1892 Purrington, William A.....	52 Wall street, New York
1910†Putnam, Harrington	Justice Supreme Court, Brooklyn
1889 Putnam, Tarrant	37 W. 44th street, New York
1912 Putney, Edmonds	2 Rector street, New York
1906 Pyrke, B. A.....	Port Henry
1898 Quackenbush, James L.....	165 Broadway, New York
1913 Quillinan, Timothy J.....	Troy
1907 Quinn, John	31 Nassau street, New York
1912 Rabe, Rudolph F.....	258 Broadway, New York
1918 Rabenold, Ellwood M....	61 Broadway, New York
1909 Raines, Eugene	Rochester
1892 Raines, Thomas	Rochester
1902 Raley, George S.....	Glens Falls
1910 Ramsdale, W. Crawford....	Albion
1907†Rand, William, Jr.....	37 Wall. street, New York
1914 Rankin, Edward W.....	Albany
1913 Ransom, William L.....	120 Broadway, New York
1912 Rasquin, Henry S.....	123 Remsen street, Brooklyn
1918 Rathbone, Albert	80 Broadway, New York

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‡ Life member.

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‡ Honorary member.

Elected

1913§Rathgeber, Emile E.....	Long Island City
1909†Rawle, Francis	1004-7 West End Tr. Bldg., Philadelphia, Pa.
1894†Ray, George W.....	Judge U. S. Dist. Ct., Norwich
1912 Ray, Thomas H.....	68 Devonshire st., Boston, Mass
1888†Raymond, Manley A.....	156 Broadway, New York
1914 Raynor, LeRoy E.....	Greenport
1913 Reass, Benjamin	391 Fulton street, Brooklyn
1914 Recordon, Edwin P.....	Owego
1907 Redding, William A.....	38 Park Row, New York
1893 Redfield, Henry S.....	39 Claremont avenue, New York
1904 Redfield, Nelson M.....	Buffalo
1915 Redmond, W. Rossiter.....	44 Court street, Brooklyn
1919 Redington, George O.....	27 Cedar street, New York
1919 Reeback, Joseph	Newburgh
1910 Reed, Daniel A.....	Dunkirk
1911 Reed, George S.....	Lowville
1903§Reed, J. De Vere.....	Richfield Springs
1915§Reed, Lansing P.....	15 Broad street, New York
1913 Reed, Louis F.....	2 Rector street, New York (Orange, N. J.)
1916†Reed, Robert R.....	15 William street, New York
1907 Reese, Richmond J.....	64 Wall street, New York
1908*Reeves, Alfred G.....	165 Broadway, New York
1915 Reeves, George W.....	Watertown
1914 Regan, Thomas J.....	120 Broadway, New York
1919 Reige, Emil J.....	Tompkinsville
1920 Reilly, Howard J.....	Mechanicville
1913 Relyea, William C.....	217 Broadway, New York
1920 Remer, John W.....	20 Nassau street, New York
1892 Remington, H. F.....	Rochester
1888*Remsen, Daniel S.....	60 Wall street, New York
1914 Reubens, Raymond	149 Broadway, New York
1917 Reynolds, George G.....	177 Montague street, Brooklyn
1913*Reynolds, Leonard J.....	165 Broadway, New York
1913 Reynolds, Oliver C.....	68 William street, New York
1917 Rhoades, Gilbert H.....	44 Court street, Brooklyn
1914 Rhodes, Leon C.....	Binghamton
1917 Rhodes, William S.....	Little Falls
1913 Rianhard, Henry W.....	52 Broadway, New York
1919 Rice, Arvin L.....	Fulton
1915 Rice, C. Willard.....	Geneva
1919 Rice, Leo J.....	Rochester
1919 Rice, Robert L.....	Niagara Falls
1893†Rich, Adelbert P.....	Justice Sup. Ct., Auburn
1899 Rich, Burdett A.....	Rochester
1917 Richards, Augustus L.....	96 Broadway, New York (Greenwich, Conn.)
1912*Richards, Eugene Lamb....	15 William street, New York
1902 Richards, George	141 Broadway, New York
1915 Richards, John B.....	Buffalo
1912 Richardson, Albert E.....	66 Court street, Brooklyn
1920 Richardson, Arleigh D.....	Ilion
1914 Richardson, Rodman	Flushing
1902§Richardson, Samuel M.....	2 Rector street, New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1916 Richardson, William P.....	305 Washington street, Brooklyn
1913† Richter, Theodore B.....	111 Broadway, New York
1910† Riddell, Wm. Renwick.....	Toronto, Canada
1917 Rider, John M.....	44 Cedar street, New York
1916 Riegelman, Charles A.....	128 Broadway, New York
1913 Riegelman, Edward	166 Montague street, Brooklyn
1919 Rifenburgh, Geo. La Fayette.	50 State street, Albany
1903§ Riker, Samuel, Jr.....	19 Cedar street, New York
1915 Riley, William	Yonkers
1915 Ringwood, John F.....	Poughkeepsie
1909 Rippey, Harlan Watson	Rochester
1899 Ritchie, Albert	New Rochelle
1913 Rittenberg, William C.....	100 Bleecker street, New York
1913 Robbins, Russell H.....	2 Rector street, New York
1913 Robbins, William H.....	Bay Shore
1921 Roberts, George	32 Liberty street, New York
1920 Roberts, J. Craig.....	Buffalo
1916 Roberts, John W.....	Troy
1921 Robertson, Edward L.....	Syracuse
1919 Robertson, J. L.....	Canastota
1916 Robichon, Hector A.....	Huntington
1921 Robillard, Basil	Niagara Falls
1912 Robinson, Beverly R.....	49 Wall street, New York
1919 Robinson, Charles P.....	111 Broadway, New York
1915 Robinson, Hubbell	Schenectady
1913 Robinson, John C	31 Nassau street, New York
1913 Robinson, Nelson L.....	56 Wall street, New York
1917 Robinson, William H.....	Elmhurst
1916 Roche, William C.....	Troy
1889 Roche, William J.....	Troy
1895 Rockwell, John S.....	Rochester
1913 Rockwood, Nash	Saratoga Springs
1916* Rode, Henry J.....	12 Broadway, New York
1893† Rodenbeck, A. J.....	Justice Sup. Ct., Rochester
1913 Roddy, John W.....	Troy
1915 Rodgers, Helen Z. M.....	Buffalo
1906* Roe, Clinton T.....	50 Pine street, New York
1919 Roe, Gilbert E.....	55 Liberty street, New York
1900 Roe, J. Brewster	41 Park Row, New York
1903 Roe, Jesse Grant.....	128 Broadway, New York
1920 Rogers, Erskine C.....	Hudson Falls
1914 Rogers, Gustavus A.....	66 Broadway, New York (Glens Falls)
1921 Rogers, Hubert E.....	60 Wall street, New York
1900 Rogers, James T.....	Binghamton
1919 Rogers, John S.....	27 Cedar street, New York
1915 Rogers, Noah Cornwell....	100 Broadway, New York
1914 Rogers, Saul E.....	55th street and 10th avenue, N. Y.
1911 Rogers, Thomas C.....	Middletown
1907 Rooney, John Jerome.....	233 Broadway, New York
1913 Roosa, E. E.....	Newburgh
1877† Root, Elihu	31 Nassau street, New York
1912 Root, Elihu, Jr.....	31 Nassau street, New York
1921 Rorty, Philip A.....	Goshen
1905 Rosalsky, Joseph S.....	346 Broadway, New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1905 Rosalsky, Otto A.....	32 Franklin street, New York
1905 Rosch, Joseph	Liberty
1908 Rose, Abram J.....	115 Broadway, New York
1916 Rose, Alfred L.....	128 Broadway, New York
1919 Rose, L. Raymond.....	25 Broad street, New York
1916 Rose, William R.....	128 Broadway, New York
1918 Rosen, Gustave J.....	233 Broadway, New York
1913 Rosenberg, Ely	346 Broadway, New York
1913 Rosenberg, J. N.....	74 Broadway, New York
1904 Rosendale, George	52 Broadway, New York
1876†Rosendale, Simon W.....	Albany
1913* Rosenson, Harry J.....	291 Broadway, New York
1913 Rosenthal, Charles M.....	1476 Broadway, New York
1911 Ross, William M.....	Syracuse
1919 Rosston, Walter J.....	115 Broadway, New York
1915 Roth, Edward U.....	42 Broadway, New York
1916 Rothenberg, Isadore	Woodridge
1921 Rothschild, Jay Leo.....	43 Cedar street, New York
1919 Roulstone, William Bradford	61 Broadway, New York
1913 Round, S. U.....	Newburgh
1893 Rounds, Arthur C.....	96 Broadway, New York
1912 Rounds, Ralph S.....	62 Cedar street, New York
1915†Rowe, Charles T. B.....	38 Pine street, New York
1902 Rowe, William V.....	133 East 38th street, New York
1913 Royce, Herbert B.....	Middletown
1912 Rubin, J. Robert	165 Broadway, New York
1902 Rubin, William	Syracuse
1902*Rubino, Henry A.....	79 Wall street, New York
1907 Rudd, Henry W.....	27 Pall Mall, London, Eng.
1915 Rudd, Joseph	Utica
1892†Rudd, William P.....	Justice Sup. Ct., Albany
1916 Ruger, Adolph	90 Livingston street, Brooklyn
1903 Rumsey, Frank	Buffalo
1908 Rush, Thomas E.....	49 Wall street, New York
1898§Rushmore, Charles E.....	61 Broadway, New York
1921 Ruskay, C. B.....	302 Broadway, New York
1920 Ruslander, David	Buffalo
1916 Russell, Charles M.....	50 Church street, New York
1912 Russell, Charles T.....	15 Dey street, New York
1916 Russell, Isaac Franklin.....	233 Broadway, New York
1915 Russell, Lawrence	Canton
1916†§Russell, Philip W.....	14 Wall street, New York
1913 Russell, Pierce H.....	Troy
1913 Rutherford, Edward	Belfast
1912 Ryall, George	225 Fifth avenue, New York
	(Passaic, N. J.)
1914 Ryan, Frank J.....	15 Broad street, New York
1919 Ryan, Frederick R.....	61 Broadway, New York
1909 Ryan, John W.....	Buffalo
1911 Ryan, Patrick J.....	Syracuse
1909 Ryan, William	Syracuse
1904 Ryder, Clayton	Carmel
1912 Ryttenberg, Moses R.....	Hotel Blackstone, 50 East 58th street, New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1900 Sackett, Henry W.....	Tribune Building, New York
1918 Sage, Dean	49 Wall street, New York (Bernardsville, N. J.)
1916* St. John, T. Raymond.....	43 Exchange place, New York
1918† Salisbury, George R.....	Justice Sup. Ct., Saratoga Sp.
1912 Salter, A. Oldrin.....	140 Nassau street, New York
1921 Sammet, Harry	45 Cedar street, New York
1915* Sammis, Elmer G.....	56 Pine street, New York
1916 Sammis, Theron H.....	Huntington
1913 Samuels, Otto A.....	217 Broadway, New York
1920 Samuels, Philip C.....	217 Broadway, New York
1907* Sanborn, Frederick H.....	141 Broadway, New York
1919 Sanborn, George P.....	141 Broadway, New York
1919 Sanborn, Orville C.....	80 Broadway, New York
1914 Sanders, Leon	217 Broadway, New York
1907 Sanford, Edward	27 William street, New York
1919 Sanford, Elmer B.....	50 Church street, New York
1905 Sanford, Ferdinand V.....	Warwick
1907† Sanford, Francis B.....	165 Broadway, New York
1902 Sanford, Rollin B.....	Albany
1919 Sanford, Roscoe C.....	Ogdensburg
1918 Saperston, Willard W.....	Buffalo
1904 Sargent, Roscoe	Sandy Creek
1921 Sargent, Isaac	253 Broadway, New York
1903§ Satterlee, Herbert L.....	49 Wall street, New York
1915 Satterlee, Hugh	52 William street, New York
1913 Saunders, Leslie M.....	St. Regis Falls
1914 Sawyer, Ansley W.....	Buffalo
1911 Sawyer, John E.....	Hudson Falls
1902† Sawyer, S. Nelson.....	Justice Sup. Ct., Palmyra
1913 Sawyer, William A.....	Port Chester
1902 Sawyer, Willoughby L.....	Hudson Falls
1910 Sayles, Halsey	Elmira
1919 Saxe, Martin	27 Pine street, New York
1910 Scanlan, Michael J.....	861 Crotona Park, Bronx, New York
1909 Schaap, Michael	55 Liberty street, New York
1919 Scharps, Albert T.....	154 Nassau street, New York
1920 Schauf, Jacob	898 Park avenue, Brooklyn
1917§ Schechter, Jacob	10 Wall street, New York
1919† Schek, William, Jr.....	165 Broadway, New York
1919 Schenck, Warren A.....	55 Liberty street, New York
1915 Schieffelin, George G.....	Schenectady
1921 Schleimer, Max	434 Broadway, New York
1919 Schlenker, Edward C.....	Buffalo
1913 Schmuck, Peter	City Court, New York
1917 Schneller, George J.....	Elmhurst
1918 Schoeneck, Edward	Syracuse
1913 Schramm, Arnold O.....	233 Broadway, New York
1919 Schur, Robert P.....	31 Nassau street, New York
1908 Schurman, George W.....	96 Broadway, New York
1907 Schurz, Carl L.....	15 Park Row, New York
1906 Schwarte, John A. T.....	Saratoga Springs
1913 Schwartz, John J.....	100 Broadway, New York
1920 Scott, Allan	55 Liberty street, New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1898 Scott, Francis M.....	46 Cedar street, New York
1917 Scott, J. Bradley	Newburgh
1915 Scott, Julien	Bainbridge
1921 Scovell, J. Boardman.....	Lewiston
1907 Scrugham, William W.....	Yonkers
1915§Scudder, Edward M.....	59 Wall street, New York
1903 Scudder, Townserd	2 Rector street, New York
1906†Seabury, Samuel	120 Broadway, New York
1907 Seabury, William M.....	120 Broadway, New York
1902 Seacord, Jerome S.....	Unadilla
1913 Seaman, Warren C.....	Mineola
1911 Searl, Clifford H.....	Syracuse
1903†Sears, Charles B.....	Justice Sup. Ct., Buffalo
1902 Sears, Hector	Gardiner
1913 Seasongood, Clifford	524 Fifth avenue, New York
1916 Seaton, Robert W.....	164 Montague street, Brooklyn
1900 Seaver, Joseph V.....	Buffalo
1919 Sebring, James O.....	Corning
1904†Seeger, Albert H. F.....	Justice Sup. Ct., Newburgh
1919 Seeley, Wallace W.....	Elmira
1921Seidman, Edward S.....	149 Broadway, New York
1916§Seidman, Joseph A.....	63 Park Row, New York
1912 Seitz, Oscar R.....	52 Wall street, New York
1919 Selig, Samson	65 Broadway, New York
1920 Seligman, Eustace	49 Wall street, New York
1889 Seligman, George W	43 Cedar Street, New York
1919 Seligsberg, Alfred F.....	15 William street, New York
1916 Seligsberg, W. N.....	43 Cedar street, New York
1921 Selvaggi, Nicholas	66 Court street, Brooklyn
1916†Semple, Lorenzo	2 Rector street, New York
1905 Semple, Oliver C.....	277 Broadway, New York
1919 Senior, Abram Griffith.....	Utica
1914 Senn, Joseph D.....	Oneida
1920 Semo, Henry J.....	Rome
1919 Servis, Harry H.....	Rochester
1911 Setright, James C.....	Syracuse
1893 Seward, William H., Jr....	Auburn
1890 Sewell, A. H.....	Walton
1896 Sexton, Pliny T.....	Palmyra
1907 Seybolt, Alva	Oneonta
1918 Seybolt, Arthur	Oneonta
1889 Seymour, Daniel	80 Broadway, New York
1903§Seymour, Eugene Ford.....	Morrisburg, Ontario, Canada
1915 Seymour, Lewis	Binghamton
1916 Shaffer, Jacob H.....	115 Broadway, New York
1920 Shannon, Thomas	Bath
1921 Shapiro, Isadore	120 Broadway, New York
1915 Shea, John	Canandaigua
1920†Shea, Joseph P.....	20 Nassau street, New York
1903*Shearer, George L.....	45 Wall street, New York
1912 Shearn, Clarence J.....	22 William street, New York
1913 Shedden, J. S.....	Plattsburg
1920 Sheehan, Timothy G.....	1133 Broadway, New York
1913 Sheffield, James R.....	52 William street, New York
1904 Sheldon, Albert Smith.....	Hamilton

• Residence in Second District.

‡ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1889§	Sheldon, Edward W.....	45 Wall street, New York
1916*	Sheldon, James C.....	170 Broadway, New York
1913*	Sheppard, Walter C.....	280 Broadway, New York
1920	Sherman, A. Outram.....	40 Wall street, New York
1920	Sherman, Frederick Wm...	Port Chester
1918	Sherman, Henry L.....	160 Broadway, New York
1912	Sherman, P. Tecumseh	15 William street, New York
1915	Sherman, Thomas A.....	100 Broadway, New York
1915§	Sherrill, Charles H.....	20 East 65th street, New York
1904	Shinaman, C. E.....	Syracuse
1921	Shirk, G. Stanley.....	175 Broadway, New York
1919	Short, Myron D.....	Canandaigua
1904	Shuster, Clarence E.....	Rochester
1919	Shutt, Erwin E.....	Rochester
1914	Sicher, Dudley F.....	160 Broadway, New York
1909§	Sidway, Frank S.....	Buffalo
1913	Siegel, Alexander B.....	25 Broad street, New York
1921	Siemon, William S.....	44 Wall street, New York
1909	Signor, Charles G.....	Albion
1910	Signor, Isaac S.....	Albion
1919	Sill, William E.....	State Tax Dept, Albany (Geneva)
1915	Sillicocks, Henry	165 Broadway, New York
1907	Simms, Charles E.....	167 Alexander avenue, Bronx
1919	Simonson, Arthur F.....	Stapleton
1919	Simonson, James A.....	Tottenville
1913§	Simpson, Alex	Jersey City, N. J.
1914	Simpson, George W.....	City Magistrate, New York
1902	Simpson, John W.....	62 Cedar street, New York
1919	Simpson, Leverett J.....	Canisteo
1915*	Sincerbeaux, Frank H.....	46 Cedar street, New York
1914	Singer, David E.....	27 Cedar street, New York
1913	Singer, Henry B.....	55 Liberty street, New York
1902	Singleton, J. Edward.....	Glens Falls
1916	Sinnott, Philip J.....	52 Wall street, New York
1915	Sisson, Fred J.....	Utica
1876	Skidmore, Lemuel	16 Hillside avenue, Summit, N. J.
1912	Skillin, Augustus H.....	61 Broadway, New York
1902	Skinner, George I.....	115 Broadway, New York
1920	Slater, Francis H.....	Tupper Lake
1916	Slater, George A.....	White Plains
1920	Slee, Frederick C.....	Buffalo
1917	Slensby, Joseph P.....	Richmond Hill
1897§	Smith, A. Page.....	Albany
1915	Smith, A. Parker.....	61 Broadway, New York
1902	Smith, Borden D.....	Johnstown
1913	Smith, Chas. Green.....	68 William street, New York
1915	Smith, Charles Robinson....	25 Broad street, New York
1919§	Smith, Claude V.....	Oneonta
1906	Smith, Clinton B.....	Flushing
1913	Smith, Clinton B., Jr.....	Flushing
1894	Smith, Edward N.....	Watertown
1916§	Smith, Elwood C.....	Monroe
1886	Smith, Everett	Schenectady
1892	Smith, Frank E.....	Plattsburg
1919	Smith, Frank I.....	Port Richmond
1918†	Smith, Sir Frederick E.....	London, England

* Residence in Second District.

§ Life member.

† Honorary member.

Elected

1902 Smith, Frederick N.....	Long Island City
1916 Smith, George B.....	Schenectady
1900 Smith, George H.....	Monticello
1901§ Smith, George Herbert.....	Rochester
1905§ Smith, Henry	261 Broadway, New York
1907† Smith, Henry Willis	19 West 44th street, New York
1918 Smith, Herbert L.....	Syracuse
1918 Smith, Jacob G.....	Syracuse
1920 Smith, J. Boyce.....	25 West 44th street, New York
1919§ Smith, John Thomas.....	224 West 57th street, New York
1915§ Smith, Leonard Hull.....	14 Wall street, New York
1913 Smith, Lewis, J.....	Mineola
1916 Smith, Matthew J.....	Long Island City
1919 Smith, Percival C.....	43 Cedar street, New York
1904 Smith, Preston R.....	Buffalo
1902§ Smith, Ray B.....	Syracuse
1917 Smith, Richard W.....	130 East 15th street, New York
1913 Smith, Thomas F.....	32 Chambers street, New York
1888† Smith, Walter Lloyd	Justice Sup. Ct., Elmira
1901 Smith, William H.....	63 Wall street, New York
1912 Smith, William Hazlitt.....	Ithaca
1915 Smith, William Mason	25 Broad street, New York
1918 Smyth, Francis	40 Wall street, New York
1901 Smyth, Herbert C.....	67 Exchange street, New York
1907 Smyth, Nathan A.....	27 William street, New York
1917 Sneed, Charles W. U.....	Newburgh
1903* Snow, Frederick A.....	52 Broadway, New York
1915 Snyder, Charles E.....	Herkimer
1913 Snyder, John G.....	256 Broadway, New York
1921 Snyder, Marshall	140 Nassau street, New York
1902 Solomon, Samuel D.....	Syracuse
1919 Somers, James R.....	Fulton
1904 Southard, J. Bennett.....	Cold Spring on Hudson
1919 Spafford, Joseph H.....	111 Broadway, New York
1903 Spalding, Lyman A.....	55 Liberty street, New York
1903§ Spann, Albert C.....	Buffalo
1919 Speaker, George M.....	Utica
1902 Speck, Henry J.....	Troy
1896† Speer, William McM.....	233 Broadway, New York
1912 Speir, Louis Dean.....	20 Exchange pl., New York
1912 Spellman, Benjamin F.....	115 Broadway, New York
1916 Spence, Kenneth M.....	60 Wall street, New York
1918 Spencer, Charles E.....	Syracuse
1903 Spencer, Nelson S.....	27 William street, New York
1913 Sperry, Clarence R.....	Boonville
1893 Spiegelberg, Frederick	36 W. 76th street, New York
1915 Spingarn, Arthur B.....	19 West 44th street, New York
1917 Sponable, Fox	Fort Plain
1919 Spooner, Charles P.....	14 Wall street, New York
1916 Spoor, Seward G.....	149 Broadway, New York
1920 Sporborg, William D.....	Port Chester
1919 Sprague, Edward E.....	54 William street, New York
1881 Sprague, Henry Ware.....	Buffalo
1912 Sprague, Rufus W., Jr.....	165 Broadway, New York (Montclair, N. J.)

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1915	Spratt, Maurice C.....	Buffalo
1920	Spratt, George V. L.....	Poughkeepsie
1888	Spratt, Thomas	Ogdensburg
1920	Spriggs, Clarence Z.....	Syracuse
1909	Spring, Dana L.....	Buffalo
1917	Squier, Joel J.....	Municipal Bldg., New York
1907†	Squiers, Arnon L.....	Justice Supreme Court, Brooklyn
1912	Stage, Lewis J.....	Warwick
1904	Stagg, C. Tracey.....	Execut. Cham. Albany (Ithaca)
1917	Stahl, John J.....	Yonkers
1915	Stahl Joseph I.....	Monticello
1914	Staley, Ellis J.....	Albany
1890	Stanchfield, John B.....	120 Broadway, New York
1915‡	Stanfield, Otto M.....	150 Broadway, New York
1915	Staples, Charles J.....	Buffalo
1908	Stapleton, Luke D.....	111 Broadway, New York
1917	Starbuck, Kathryn H.....	Saratoga Springs
1916	Stark, Abraham	44 Court street, Brooklyn
1916	Stearns, Marshall	43 Exchange place, New York (New Canaan, Conn.)
1912†	Steel, Edwin B.....	135 Broadway, New York
1903	Steele, Charles	15 Broad street, New York
1916	Steele, John N.....	120 Broadway, New York
1914	Steinbrink, Meier	215 Montague street, Brooklyn
1918	Steinbugler, John L.....	1 Broadway, New York
1919	Steindler, Emanuel M.....	200 Fifth avenue, New York
1912	Steinkamp, William H.....	140 Nassau street, New York
1917	Stenacher, George H.....	Saratoga Springs
1914	Stephens, Amos H.....	30 East 42d street, New York
1913	Stephens, Fitch H.....	Ithaca
1914	Stephens, John A.....	Albany
1899†	Stephens, John B. M.....	Justice Sup. Ct., Rochester
1921	Stephenson, Sarah	16 Court street, Brooklyn
1901‡	Stern, Abraham	31 Nassau street, New York
1917	Stern, Benjamin H.....	149 Broadway, New York
1906	Stern, Charles M.....	Albany
1920	Stern, Henry Root.....	61 Broadway, New York
1913	Stern, Nathan D.....	115 Broadway, New York
1908	Stern, Randall Hoyt.....	Orient, Long Island
1917	Stern, Simon T.....	41 Park Row, New York
1921	Stern, Walter T.....	60 Wall street, New York
1919	Stetson, Henry T.....	2 Rector street, New York (Orange, N. J.)
1907	Steuart, James L.....	132 West 42d street, New York
1918	Steuer, Max D.....	42 Broadway, New York
1919	Stevens, Edward L.....	154 Nassau street, New York (Greenwich, Conn.)
1919	Stevens, Guy	17 Battery place, New York
1917	Stevenson, A. E.....	20 Nassau street, New York
1921	Stevenson, Henry M.....	26 Liberty street, New York
1909	Stewart, Ira Bliss.....	346 Broadway, New York
1916	Stewart, Robert	150 Nassau street, New York
1904	Stewart, William E.....	Long Island City
1907	Stewart, William A. W.....	45 Wall street, New York
1920	Stickney, Albert	80 Broadway, New York
1907‡	Stier, Joseph F.....	11 Broadway, New York
1876‡	Stiger, William E.....	149 Broadway, New York

‡ Life member.

† Honorary member.

Elected.

1915 Stilwell, Giles H.....	Syracuse
1902 Stimson, Henry L.....	32 Liberty street, New York
1919 Stockton, Herbert K.....	27 William street, New York
1913 Stoddard, John M.....	128 Broadway, New York
1904 Stokes, Edward T.....	Port Henry
1913 Stoltzing, Alexander C.....	Hamburg
1902 Stolz, Benjamin	Syracuse
1909 Stone, Charles L.....	Syracuse
1916 Stone, Harlan F.....	49 Wall street, New York
1913 Stone, Harold	Syracuse
1921 Stone, Nathan H.....	434 Broadway, New York
1895†Stone, Ralph	Detroit, Mich.
1919 Stone, Thomas R.....	Buffalo
1916 Storey, John DeR.....	60 Liberty street, New York
1902 Storke, Frederic E.....	Auburn
1909 Storrs, William W.....	Lockport
1913 Stout, William Law	31 Liberty street, New York
1914 Stover, Josiah A.....	Municipal Bldg., New York
1906 Stover, Martin L.....	27 William street, New York (Amsterdam)
1909§Stowe, Franklin D. L.....	Buffalo
1915 Stowell, Edward E.....	43 Exchange pl., New York
1917§Stowell, Harley L.....	61 Broadway, New York
1920 Strack, Henry D.....	14 Wall street, New York
1919 Strang, William F.....	Rochester
1907 Strasbourger, Samuel	74 Broadway, New York
1918 Strasser, Arthur L.....	27 William street, New York
1915 Stratemeier, Albert L.....	Hamburg
1887†Straus, Oscar S.....	42 Warren street, New York
1889 Strauss, Charles	141 Broadway, New York
1914 Strauss, Jerome A.....	42 Broadway, New York
1904* Strauss, Morris L.....	141 Broadway, New York
1909 Strebel, Edward D.....	Buffalo
1909 Street, Charles H.....	Huntington
1920 Stricker, Adam K.....	149 Broadway, New York
1916 Strong, Charles H.....	27 Cedar street, New York
1910 Strong, Charles W.....	Buffalo
1904 Strong, Marvin H.....	Schenectady
1921†Strong, Selah B.....	Justice Supreme Court, Setauket
1920 Strongin, Sidney F.....	189 Montague street, Brooklyn
1913 Stroock, Moses J.....	141 Broadway, New York
1912 Stroock, Solomon M.....	141 Broadway, New York
1919 Strootman, Bertha J.....	Buffalo
1912* Strouse, Louis H.....	2 Rector street, New York
1907 Strouss, Eugene M.....	Rochester
1913 Struse, Otto F.....	260 Broadway, Brooklyn
1916 Studin, Charles H.....	55 Liberty street, New York
1909 Stull, John M.....	Rochester
1908 Sturges, Ralph A.....	60 Wall street, New York
1915 Sturgis, Blaine F.....	Medina
1918†Sturcke, Louis	52 Broadway, New York
1913 Sturtz, Samuel	198 Broadway, New York
1919 Sugarman, David B.....	Syracuse
1911 Suggett, John W.....	Cortland
1914 Sullivan, Charles B.....	Albany

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1903 Sullivan, Florence Jas.....	27 Cedar street, New York ..
1913 Sullivan, John J.....	140 Nassau street, New York
1919 Sullivan, John Leo.....	Dunkirk
1912 Sullivan, Mortimer L.....	Elmira
1920 Sullivan, Thomas A.....	Buffalo
1892 Sullivan, W. H.....	Norwich
1890§Sulzer, William	115 Broadway, New York
1913 Sumner, Malcolm	20 Nassau street, New York
1917 Surpless, Abner C.....	189 Montague street, Brooklyn
1913 Sutherland, Arthur	52 William street, New York
1905 Sutherland, Arthur E.....	Rochester
1921†Sutherland, George	Southern Building, Washington, D. C.
1906§Sutton, John M.....	Ovid
1918§Swain, Chester O.....	26 Broadway, New York
1916 Sweeney, Edmund J.....	Troy
1920 Sweeney, James C.....	Buffalo
1910§Sweetland, Monroe M.....	Ithaca
1920 Swezey, Sydney H.....	Freeport
1893 Swift, Frederic J.....	31 Nassau street, New York
1920 Swift, Parton	Buffalo
1905 Swinburne, Samuel F.....	New Rochelle
1913 Sykes, Henry W.....	256 Broadway, New York
1912†Symmers, James Keith.....	59 Wall street, New York
1917 Symmes, William B., Jr.....	55 Liberty street, New York
1910 Taber, John	Auburn
1902§Taft, Henry W.....	40 Wall street, New York
1893 Taft, Theodore M.....	15 William street, New York
1916 Taft, Walbridge S.....	40 Wall street, New York
1915†Taft, William H.....	New Haven, Conn.
1915 Taggart, Rush	195 Broadway, New York
1903†Takahira, Baron Kogoro....	Tokyo, Japan
1912 Talbot, Harry A.....	80 Maiden lane, New York
1913 Talley, Alfred J.....	165 Broadway, New York
1904 Tallmadge, Josiah C.....	Catskill
1912†Tanner, Frederick C.....	1 Madison avenue, New York
1908§Tanzer, Laurence Arnold...	Mount Vernon
1906*Tappan, J. B. Coles.....	14 Wall street, New York
1906 Tarbell, George S.....	Ithaca
1916*§Tausch, J. Franklin.....	32 Broadway, New York
1913 Taussig, Charles A.....	220 Broadway, New York
1912 Taylor, Carl	37 Wall street, New York
1908 Taylor, Charles I.....	64 Wall street, New York (East Orange, N. J.)
1912 Taylor, E. J.....	Lockport
1914†Taylor, Harry L.....	Justice Sup. Ct., Buffalo
1916 Taylor, Howard C.....	256 Broadway, New York
1913 Taylor, Howard W.....	Utica
1904 Taylor, John C. R.....	Middletown
1913 Taylor, John H.....	111 Broadway, New York
1913 Taylor, John Robert.....	41 Park Row, New York
1920 Taylor, Martin	60 Wall street, New York
1913§Taylor, Myron C.....	346 Broadway, New York
1907 Taylor, Robert C.....	155 West 58th street, New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1920 Taylor, Roy	Port Chester
1914 Taylor, Valentine	52 Wall street, New York
1914 Taylor, Walter F.	54 Wall street, New York
1920* Taylor, Winthrop	56 Pine street, New York
1916 Taylor, Zachary P.	Rochester
1919 Teets, Herbert M.	530 Fifth avenue, New York
1898 Teller, John D.	Auburn
1916 Telsey, Samuel A.	32 Court street, Brooklyn
1917 Templeton, Richard H.	Buffalo
1913 Ten Eyck, John C.	44 Pine street, New York
1920 Tennant, Clermonte G.	Cooperstown
1902§ Tennant, Willis H.	Buffalo
1912 Tenney, Levi S.	140 Nassau street, New York (Montclair, N. J.)
1907 Terry, Charles Thaddeus...	100 Broadway, New York
1907 Thacher, Archibald G.	59 Wall street, New York
1913 Thacher, Thomas D.	62 Cedar street, New York
1907* Thayer, Aaron C.	32 Nassau street, New York
1896 Thayer, Stephen H.	Yonkers
1920 Thirkield, Harry D.	27 William street, New York
1914 Thomas, Abel Cary	2 Rector street, New York
1920† Thomas, Charles S.	Washington, D. C.
1898 Thomas, Edward B.	164 Montague street, Brooklyn
1919 Thomas, Frank W.	Troy
1919 Thomas, Hector W.	111 Broadway, New York
1912 Thomas, Stephen G.	40 Wall street, New York
1906 Thomas, Ulysses S.	Buffalo
1913 Thompson, A. C. N.	Middletown
1914 Thompson, Ffarrington M. .	White Plains
1913§ Thompson, J. Campbell. .	63 Wall street, New York
1912 Thompson, Jas. Renwick, Jr.	Newburgh
1912† Thompson, Robert F.	Jus. Sup. Ct., Canandaigua
1908 Thoms, George	15 William street, New York
1919 Thomson, George J.	2 Wall street, New York
1915 Thorn, Charles E.	56 Liberty street, New York
1904 Thorne, Leonard C.	Granville
1903 Thorne, Robert	30 Broad street, New York
1913§ Thorne, Samuel, Jr.	27 Cedar street, New York
1913 Thornton, Hugh A.	Tarrytown
1919 Thrasher, Louis L.	Jamestown
1920 Thurman, Israel N.	15 Broad street, New York
1913 Thurston, C. S.	Saranac Lake
1904 Tice, David	Lockport
1912 Tiernan, J. Harry	Stapleton, S. I.
1916† Tierney, John M.	Justice Sup. Ct., New York
1908 Tierney, Michael A.	Troy
1915 Tierney, Patrick J.	Plattsburg
1902 Tillman, Irving J.	Norwich
1920 Timme, Waldemar F.	149 Broadway, New York
1901 Tinklepaugh, George S.	Palmira
1912 Tinsdale, Edmund J.	132 Nassau street, New York
1907 Tison, Alexander	15 William street, New York
1913 Titcomb, George W.	215 Montague street, Brooklyn
1914 Tobin, Charles J.	Albany
1920 Tobin, James F.	Cortland
1907 Todd, Hiram C.	Saratoga Springs

* Residence in Second District.

‡ Life member.

† Honorary member.

Elected

1912 Tolles, Brainard	34 Nassau street, New York (Hohokus, N. J.)
1919 Tomlin Franklin M.....	32 Court street, Brooklyn
1916 Tomlinson, R. E.....	409 West 15th street, New York (Montclair, N. J.)
1892†Tompkins, Arthur S.....	Justice Sup. Ct., Nyack
1919 Tompkins, Hamilton B.....	128 Broadway, New York
1915 Tompkins, Leslie J.....	27 Cedar street, New York
1912*Tompkins, Millard F.....	60 Wall street, New York
1917 Toohey, Henry F.....	Schuylerville
1911 Tooke, Charles W.....	Syracuse
1913 Tooker, Ernest W.....	Riverhead
1909 Toole, John Conway.....	135 Broadway, New York
1909 Towne, Paul R.....	258 Broadway, New York
1899 Townsend, Arthur O.....	31 Nassau street, New York (Montclair, N. J.)
1920 Townsend, Dallas S.....	59 Wall street, New York
1912 Townsend, Gerard B.....	32 Liberty street, New York (Montclair, N. J.)
1912 Townsend, Howard	27 Cedar street, New York
1921 Townsend, Myron T.....	245 Broadway, New York
1897 Tracey, James F.....	Albany
1920 Tracy, John C.....	Hudson
1921 Tracy, John E.....	128 Broadway, New York
1915 Travis, Charles Mabbett....	60 Wall street, New York
1919 Travis, John C.....	32 Nassau street, New York
1912 Troy, Thomas H.....	16 Court street, Brooklyn
1913 Truesdale, Joseph R.....	61 Broadway, New York
1919 Truesdell, Ward N.....	Sherburne
1914 Tubbs, Warren	Buffalo
1909 Tuck, Andrew E.....	120 Broadway, New York
1917 Tuck, George O.....	Saratoga Springs
1907†Tucker, Harry St. George..	Lexington, Va.
1918 Tuckerman, Eliot	49 Wall street, New York
1920 Tulin, Abraham	165 Broadway, New York
1904§Tully, William J.....	1 Madison ave., N. Y. (Corning)
1910 Turner, George B.....	Auburn
1902§Turner, William L.....	84 Cotton Exchange, N. Y.
1907 Turrell, Edgar A.....	50 Pine street, New York
1912 Tuska, Benjamin	20 Nassau street, New York
1901†Tuthill, Theodore R.....	Justice Sup. Ct., Binghamton
1916 Tuttle, Charles H.....	34 Nassau street, New York
1919 Tuttle, George M.....	Niagara Falls
1919 Tweed, Harrison	37 Wall street, New York
1914 Twining, Laverne M.....	Binghamton
1920 Twombly, Edward B.....	2 Rector street, New York (Summit, N. J.)
1915 Tynan, John F.....	Poughkeepsie
1902*Uderitz, Henry J.....	30 Broad street, New York
1913 Unger, Albert Blogg.....	32 Franklin street, New York
1920 Unger, Edward F.....	Old P. O. Building, New York
1913 Unger, Henry W.....	261 Broadway, New York
1913*Unger, William F.....	120 Broadway, New York
1913 Untermyer, Alvin	120 Broadway, New York
1901 Untermyer, Samuel	120 Broadway, New York

* Residence in Second District.

§ Life member.

† Honorary member.

Elected

1913*§Uterhart, Henry Ayres.....	27 Cedar street, New York
1916 Valance, William R.....	Washington, D. C.
1910 Van Allen, Everett K.....	Rochester
1909 Van Allen, John W.....	Buffalo
1902 Van Allen, Willard B.....	Carthage
1919 Van Alstine, Philip.....	Ramapo
1907 Van Amringe, Guy.....	63 Wall street, New York
1902 Van Arsdale, Chester A.....	Warsaw
1916 Van Arsdale, Henry, Jr.....	50 Church street, New York (Newark, N. J.)
1920 Van Arsdale, John A.....	Buffalo
1913 Van Auker, M. W.....	Utica
1914§Van Benschoten, Wm. H.....	43 Exchange place, New York
1913 Van Cleef, Mynderse.....	Ithaca
1904 Vanderlyn, John N.....	New Paltz
1919 Van Derzee, Newton B..	Albany
1911†Van Devanter, Willis.....	Justice U. S. Supreme Court Cheyenne, Wyo.
1913 Van De Water, Arthur.....	Flushing
1908 Vandiver, Almuth C.....	37 Wall street, New York
1911 Van Doren, Louis O.....	31 Nassau street, New York
1907 Van Duzer, Henry S.....	31 Nassau street, New York
1904 Van Etten, Amos.....	Kingston
1914 Van Etten, John G.....	Kingston
1912 Van Iderstine, Robert.....	27 William street, New York
1897†Van Kirk, Charles C.....	Justice Sup. Ct., Greenwich
1919 Van Kirk, Herbert.....	Greenwich
1916 Van Kleeck, F. B., Jr.....	White Plains
1901 Van Loon, William G.....	Albany
1911 Vann, Irving D.....	Syracuse
1913 Van Namee, George R.....	220 West 71st street, New York
1906 Van Ness, Charles H.....	Greenwich
1915 Van Nostrand, Frederic M..	36 Main street, Flushing
1891 Van Santvoord, Seymour...	Troy
1892 Van Sickle, John.....	Auburn
1908†Van Siclen, James C.....	Justice Sup. Ct., Jamaica
1907†Van Sinderen, Howard.....	44 Wall street, New York
1912 Van Slyke, Warren C.....	32 Nassau street, New York
1917 Van Thun, Andrew F., Jr...	189 Montague street, Brooklyn
1919 Van Vlack, Lynn R.....	Jamestown
1891§Van Voast, James A.....	Schenectady
1909 Van Voorhis, Charles.....	Rochester
1906 Van Voorhis, Eugene.....	Rochester
1903 Vaughn, Athelstan.....	Long Island City
1910 Velie, George M.....	Watkins
1917 Venino, Albert W.....	59 Wall street, New York
1916 Vermilya, Peter B.....	32 Court street, Brooklyn
1916 Victor, Royall.....	40 Wall street, New York
1915 Viele, Dorr.....	25 Liberty street, New York
1892 Vieu, Henry A.....	320 Broadway, New York
1916 Vincent, E. Deane.....	Buffalo
1901 Visscher, William L.....	126 State street, Albany
1916 Vogel, Martin.....	111 Broadway, New York
1920 Voorhees, Albert V. B.....	1655 Cropsy avenue, Brooklyn

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1912 Vorhaus, Louis J.....	115 Broadway, New York
1912§Voris, Stephen H.....	336 Fulton street, Jamaica
1919 Vought, Grandin Tracy, Jr.	14 Wall street, New York
1916 Voss, George A.....	2 Rector street, New York
1912 Vunk, John R.....	Patchogue
1883 Wadhams, Frederick E.....	Albany
1906 Wadhams, William H.....	43 Exchange place, New York
1912 Wagner, Franklin A.....	34 Nassau street, New York
1919†Wagner, Herman James....	160 Broadway, New York
1914†Wagner, Robert F.....	Justice Sup. Ct., New York
1902†Wainwright, J. Mayhew....	59 Wall street, New York
1907 Wait, John Cassan.....	233 Broadway, New York
1913 Wait, Luther A.....	Saratoga Springs
1903 Waldo, George E.....	Boston Bldg., Pasadena, Cal.
1918 Walker, Frank R.....	Syracuse
1902§Walker, George H.....	Grand Central Term., N. Y.
1919 Walker, George R.....	59 Wall street, New York
1918 Walker, James J.....	61 Broadway, New York
1915 Walker, L. A.....	Perry
1913 Walker, Roberts	14 Wall street, New York
1912 Wallace, H. Louis.....	Sandy Creek
1921 Wallace, William, Jr.....	14 Wall street, New York
1914 Wallin, George V.....	Yonkers
1921 Wallstein, Leonard M.....	233 Broadway, New York
1913 Wallin, William J.....	Yonkers
1912†Walradt, Arthur E.....	140 Nassau street, New York
1914 Walser, Guy O.....	Term. Bldg., New Brighton
1901 Walsh, Arthur R.....	1482 Broadway, New York
1916 Walsh, John J.....	24 Moore street, New York
1921 Walsh, Myles A.....	149 Broadway, New York
1916 Walsh, Thomas Leo.....	12 East 44th street, New York
1912 Walter, Carroll G.....	120 Broadway, New York
1916§Walter, Henry	154 Nassau street, New York
1915 Walters, J. Henry.....	1564 Broadway, New York
1902 Walton, Charles W.....	Kingston
1921 Wandell, Samuel H.....	50 Broad street, New York
1909 Ward, Hamilton	Buffalo
1899 Ward, H. Judd.....	Troy
1902†Ward, Henry Galbraith....	Judge U. S. Cir. Ct., N. Y.
1903 Ward, Henry M.....	2 West 44th street, New York
1912 Ward, Sylvester L. H.....	(Darien, Conn.)
1908§Wardwell, Allen	31 Nassau street, New York
1912 Warfield, Frederic P.....	15 Broad street, New York
1909 Warner, Earle S.....	25 W. 44th street, New York
1901§Warner, Elton D.....	Phelps
1908 Warner, James Harold.....	Dunkirk
1917*Warner, Walter E.....	511 Fifth avenue, New York
1919 Warren, George Flint, Jr....	(Poughkeepsie)
1918 Warren, Joseph A.....	2 Rector street, New York
1913 Warren, Oscar Leroy	256 Broadway, New York
1906 Warren, Stephen J.....	61 Broadway, New York
1909 Washburn, Edward A.....	White Plains
	Rochester
	Batavia

• Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1912 Wasserman, Samuel	51 Chambers street, New York
1913† Wasservogel, Isidor	Justice Supreme Court, New York
1876§ Waterbury, Nelson J.....	Manhattan Club, New York
1902 Waters, Louis L.....	Syracuse
1914 Watkins, Lewis H.....	Watkins
1907 Watson, Archibald R.....	165 Broadway, New York
1909 Watson, George W.....	Batavia
1915 Watson, John C.....	Albany
1919 Waugh, Theodore L.....	32 Franklin street, New York
1916 Weadock, John C.....	14 Wall street, New York
1913 Weaver, Edgar	Whitestone
1920 Webb, Vanderbilt	31 Nassau street, New York
1909 Webb, William W.....	Rochester
1913 Webster, George Y.....	Rochester
1910 Wechter, Joseph A.....	Buffalo
1919 Wedemeyer, Arnold J. B....	Stapleton
1912§ Weed, Richmond	154 Nassau street, New York
1912† Weeks, Bartow S.....	Justice Sup. Ct., New York
1909 Weeks, Charles R.....	Mineola
1904 Weeks, George W., Jr.....	Islip
1918 Welch Ulysses Grant.....	Edmeston
1919 Welch, Walter	Syracuse
1912 Wellman, Francis L.....	15 Wall street, New York
1913 Wellman, Guy	26 Broadway, New York
1906 Wells, Frederic De Witt....	522 Fifth avenue, New York
1913 Wels, Isidor	233 Broadway, New York
1917 Welsh, Morgan E.....	Ballston, Spa.
1919 Wemple, William L.....	30 Broad street, New York (Somerville, N. J.)
1907* Wensley, Robert L.....	35 Nassau street, New York
1904 Werner, C. C.	Rochester
1917 Werner, Paul Charles.....	2 Rector street, New York
1912 Wesselman, Henry B.....	55 Liberty street, New York
1906§ Westfall, D. M., Jr.....	Cambridge
1905 Westwood, Herman J.....	111 Broadway, New York
1900§ Whalen, John	450 West 155th street, New York
1899 Wheat, Alfred A.....	135 Broadway, New York
1912 Wheat, Benjamin P.....	Saratoga Springs
1919* Whedon, Burt Denison.....	14 Wall street, New York
1881† Wheeler, Charles B.....	Justice Sup. Ct., Buffalo
1916† Wheeler, Ernest E.....	60 Wall street, New York
1903 Wheeler, Everett P.....	150 East 72nd street, New York
1920 Wheless, Joseph	1 Wall street, New York
1912 Wherry, William M., Jr....	15 Broad street, New York (Plainfield, N. J.)
1888† Whitaker, Edward G.....	Justice Sup Ct., New York
1909 Whitbeck, Ernest C.....	Rochester
1909§ White, Carleton H.....	Buffalo
1912 White, Charles A.....	Buffalo
1894† White, Edward D.....	Chief Justice U. S. Supreme Court, Washington, D. C.
1889§ White, Edward P.....	Buffalo
1919 White, Ernest I.....	Syracuse
1903 White, Frank	32 Liberty street, New York
1919 White, Frederick A.....	Boonville
1901† White, Horace	Syracuse

* Residence in Second District.

† Life member.

§ Residence in Ninth District.

‡ Honorary member.

Elected

1911 White, Henry Crofut.....	21 William street, New York (Plainfield, N. J.)
1910 White, Joseph C.....	Dunkirk
1906† White, Justin Du Pratt.....	14 Wall street, New York
1913 White, Lewis M.....	7 Beekman street, New York
1909 White, Richard E.....	Rochester
1915 White, William C.....	Buffalo
1904 White, Wm. Pierrepont....	Utica
1913 Whitfield, William R.....	Albany
1912 Whitford, Daniel	120 Broadway, New York
1913 Whitlock, Victor E.....	35 Nassau street, New York
1913‡ Whitman, Charles S.....	120 Broadway, New York
1907‡ Whitmyer, Edward C.....	Justice Sup. Ct., Schenectady
1917 Whitney, Daniel D.....	44 Court street, Brooklyn
1915* Whittlesey, George N.....	170 Broadway, New York
1914 Wickersham, Cornelius W....	40 Wall street, New York
1911‡ Wickersham, George W....	40 Wall street, New York
1912 Wickes, Forsyth	14 Wall street, New York
1913 Wickham, Robert S.....	Binghamton
1915 Wickser, Philip J.....	Buffalo
1919 Wiedman, Frederick	Rochester
1912 Wiener, Adam	51 Chambers street, New York
1919 Wierum, Otto C.....	206 Broadway, New York
1913 Wiggins, Howard C.....	Rome
1918 Wiggins, John L.....	Middletown
1912 Wiggins, Russell	Middletown
1913 Wilbur, H. Leslie.....	Frankfort
1916 Wilbur, Howard C.....	Catskill
1881 Wilcox, Ansley	Buffalo
1913 Wilcox, Arthur R.....	Port Chester
1907 Wilder, William R.....	45 Cedar street, New York
1901 Wile, Sol	Rochester
1892§ Wilkie, John L.....	2 Wall street, New York
1914§ Wilkin, Robert J.....	194 Clinton street, Brooklyn
1920 Wilkins, Walter M.....	Buffalo
1913 Wilkinson, Albert T.....	Camden
1920 Wilkinson, Ignatius M.....	27 Cedar street, New York
1894 Wilkinson, Thomas F.....	Albany
1907 Willcox, William R.....	165 Broadway, New York
1913 Williams, Charles F.....	98 Morton street, New York
1896 Williams, David O.....	Mount Vernon
1911 Williams, Francis C.....	Corning
1905 Williams, Harry D.....	Buffalo
1919 Williams, Henry D.....	Utica
1920 Williams, H. Pushae.....	Long Island City
1896 Williams, I. Newton.....	233 Broadway, New York
1914 Williams, James D.....	61 Broadway, New York
1892 Williams, Mornay	Englewood, N. J.
1918§ Williams, William	15 Broad street, New York
1912 Williamson, Clifton P.....	120 Broadway, New York
1907‡ Williamson, Pliny W.....	115 Broadway, New York
1910 Willis, Emerson M.....	Utica
1920 Wills, Frederick B.....	Auburn
1920 Wills, Louis C.....	32 Court street, Brooklyn
1916 Wilson, Edgar Bright	149 Broadway, New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1914*	Wilson, Edward H.....	55 Liberty street, New York
1906	Wilson, Herbert J.....	Fulton
1920	Wilson, Jonathan I., Jr.....	Newburgh
1918	Wilson, Reuben	66 Court street, Brooklyn
1912	Wilson, Robert H.....	32 Court street, Brooklyn
1906	Wilson, William C.....	1211 Madison avenue, New York
1919	Winant, Clinton D.....	14 Wall street, New York
1913*	Winslow, Wm. Beverly....	55 Liberty street, New York
1902§	Winthrop, Bronson	32 Liberty street, New York
1903	Winthrop, E. L., Jr.....	32 Liberty street, New York
1907	Winthrop, Grenville B.....	6 Wall street, New York
1892§	Wise, Edmond E.....	15 William street, New York
1912	Wise, Henry A.....	15 William street, New York
1899§	Wiswall, Irving W.....	Ballston Spa.
1902§	Witschief, Graham	Newburgh
1921	Wolbarst, Eli S.....	66 Pine street, New York
1916	Wolcott, Frank T.....	2 W. 45th street, New York
1920	Wolcott, Ralph S.....	52 William street, New York
1908	Wolf, Ralph	115 Broadway, New York
1912	Wolff, Henry F.....	27 William street, New York
1921	Wolff, Henry J.....	14 Wall street, New York
1919	Wolff, Herbert A.....	2 Rector street, New York
1906	Wollman, Henry	20 Broad street, New York
1920	Woltz, George W.....	Buffalo
1912	Wood, Charles I.....	Mineola
1908	Wood, Harriette M. J.....	1 West 67th street, New York
1920§	Wood, Howard Orton.....	Jamaica
1916	Wood, Roger B.....	165 Broadway, New York
1915†	Woodbury, Egburt E.....	Jamestown
1920	Woodin, Glenn W.....	Dunkirk
1919	Woodruff, Edwin H.....	Ithaca
1896†	Woodward, John	Justice Sup. Ct., Jamestown
1911	Woodworth, Newell B.....	Syracuse
1914	Woody, Charles L.....	176 Broadway, New York
1914*	Woody, Robert H.....	114 Fifth avenue, New York
1917	Woollard, William E.....	Albany
1915	Woolley, George I.....	26 Court street, Brooklyn
1917	Woolsey, John M.....	27 William street, New York
1919	Woolsey, Royal D.....	Canastota
1902	Worcester, Edwin D.....	30 Broad street, New York
1921	Workum, Julius F.....	62 Cedar street, New York
1920	Wormser, I. Maurice.....	120 Broadway, New York
1910	Wortman, Charles P.....	Syracuse
1906	Wright, Edwin G.....	Rockville Centre
1919	Wose, Frederick	Albany
1920	Wright, Harrison B.....	Rockville Centre
1917	Wright, Horton D.....	Gloversville
1916	Wright, Julian M.....	68 William street, New York
1913§	Wright, Wendell J.....	50 Church street, New York (Hackensack, N. J.)
1903§	Wright, William B., Jr.....	Buffalo
1901†	Wu Ting Fang.....	Shanghai, China
1912	Wyckoff, J. Edwards.....	54 Wall street, New York
1920	Wygant, William J.....	Newburgh
1919†	Wynne, Marvin W.....	165 Broadway, New York

* Residence in Second District.

§ Life member.

† Residence in Ninth District.

‡ Honorary member.

Elected

1913 Wysong, Charles N.....	Port Washington
1915 Wyvell, Manton M.....	Southern Bldg., Washington, D. C.
1920 Yankauer, Alfred	261 Broadway, New York
1912 Yard, John	Sandwich, Mass.
1916 Young, Frank L.....	Ossining
1903†Young, J. Addison.....	Jus. Sup. Ct., New Rochelle
1914 Young, Le Roy M.....	Babylon
1916 Young, William C.....	Port Chester
1883§Zabriskie, George	49 Wall street, New York
1920 Zalkin, Harry	49 Chambers street, New York
1902 Zeller, Lorenz	2013 Madison avenue, New York
1920 Zieser, Julius H.....	217 Broadway, New York
1914 Zoller, J. Frank	Schenectady

§ Life member.

† Honorary member.

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LIST OF MEMBERS **CLASSIFIED BY CITIES AND TOWNS IN** **JUDICIAL DISTRICTS**

FIRST DISTRICT

CITY AND COUNTY OF NEW YORK AND BRONX COUNTY

Elected

1916 Abberley, Lester S.....	277 Broadway
1903 Abbot, Everett V.....	45 Cedar street
1912 Abbott, Henry H.....	32 Liberty street
1912 Abney, John R	27 William street
1915 Abromeit, Carl Martin...	15 Dey street (Elizabeth, N. J.)
1892 Adams, Charles T.....	165 Broadway
1893 Adams, Elbridge L.....	522 Fifth avenue
1916 Addoms, Mortimer C.....	15 William street
1902§Agar, John G.....	31 Nassau street
1920 Alcock, William A.....	44 Wall street
1919 Aldrich, Winthrop W....	37 Wall street
1913 Alexander, Edward A....	165 Broadway
1903 Alexander, Henry M.....	55 William street
1904 Alger, Edmond C.....	233 Broadway
1906 Alger, George W.....	71 Broadway
1908 Allen, Frederick L.....	34 Nassau street
1918 Allen, Ray R.....	27 William street
1921 Allen, William	149 Broadway
1911 Allen, Yorke	128 Broadway (So. Orange, N. J.)
1912 Anderson, Chandler P....	15 Broad street
1918 Anderson, Ellery O.....	25 Broad street
1920 Anderson, Roger H.....	68 William street
1913 Anderton, Stephen P.....	52 William street
1909 Andrade, C., Jr.....	300 Madison avenue
1914 Andrews, James De Witt.	51 Chambers street
1904 Andrus, C. L.....	3714 Grand Cent. Term.
1921 Ansgorge, Martin C.....	100 Broadway
1892 Aplington, Henry	299 Broadway
1908 Appell, Albert J.....	12 East 44th street
1913 Appleton, Charles W.....	120 Broadway
1917§Appleton, Francis R., Jr..	59 Wall street
1917 Aranow, Frank	27 Cedar street
1915 Archer, Francis L.....	32 Court street, New York
1915 Arkush, Ralph M.....	37 Wall street
1918 Armstrong, Lorenzo D...	40 Wall street
1920 Armstrong, William C.....	52 William street
1918 Arnold, Joseph A.....	22 William street
1921 Arnold, William C.....	120 Broadway
1915 Aron, Harold G.....	50 Pine street
1915 Aronstam, Charles S.....	100 Broadway
1919 Asch, David	27 Pine street
1915 Auchincloss, Gordon	61 Broadway
1903 Auerbach, Joseph S.....	34 Nassau street
1907 Austin, George C.....	42 Broadway
1912 Avery, Brainard	5 Nassau street
1921 Axtell, S. B.....	9 State street

§ Life member.

Elected:

1913 Babbage, Richard G.....	111 Broadway
1919 Babcock, H. Howard.....	233 Broadway
1915 Backus, Grosvenor H.....	175 Broadway (Englewood, N. J.)
1913 Bacon, Henry Selden.....	15 Broad street
1916 Bailey, Leon O.....	100 Broadway
1913 Bailly, Edward C.....	24 Broad street
1920 Baily, Harold James.....	32 Liberty street
1913 Baiter, Charles W. G.....	56 Wall street
1913 Baker, Joseph J.....	34 Nassau street
1913 Baldwin, Edwin	31 Nassau street
1912 Baldwin, Henry de Forest	25 Broadway
1912 Baldwin, Roger S.....	120 Broadway (Greenwich, Conn.)
1913 Ballin, Nathan	61 Broadway
1921 Bandler, Harry S.....	2 Rector street
1908 Banton, Joab H.....	32 Franklin street
1909 Barber, Arthur William..	34 Nassau street (Chazy, N. Y.)
1912§Bard, Albert S.....	25 Broad street
1917 Baright, Clarice Margoles.	170 Broadway
1919 Barnes, Earle B.....	U. S. Attorneys office
1918 Barnes, Henry B.....	31 Nassau street
1921 Baron, Saul J.....	34 Nassau street
1916 Barry, Herbert	59 Wall street
1919 Bartlett, John P.....	120 Broadway
1903 Bartlett, Philip G.....	62 Cedar street
1903 Baskerville, Thomas H...	7 Dey street
1915 Bates, Kahl C.....	80 Maiden lane
1907 Battle, George Gordon...	37 Wall street
1921 Bauerdorf, Charles R.....	256 Broadway
1917 Bayes, William R.....	40 Wall street
1918 Baylies, Edmund L.....	54 Wall street
1919 Beach, George C.....	19 West 44th street
1919 Beadleston, Henry C.....	120 Broadway
1903 Beam, William H.....	45 Wall street
1912 Beardsley, Samuel A.....	64 Wall street
1920 Beardsley, Thomas H.....	64 Wall street
1914 Beattie, Thomas A. S....	56 Pine street
1908 Beatty, Robert C.....	68 William street
1917 Bechtel, Edwin DeT.....	54 Wall street
1904 Becker, Alfred L.....	60 Broadway
1912 Beecher, William C.....	233 Broadway
1902 Beekman, Charles K.....	52 William street
1912 Beers, Lucius H.....	49 Wall street
1913 Begg, William R.....	24 Broad street
1921 Beha, James A.....	233 Broadway
1903 Benedict, Abraham	149 Broadway
1920 Bennett, Lawrence	37 Wall street
1915 Berger, Samuel A.....	115 Broadway
1921 Bergh, Louis O.....	27 Cedar street
1914 Bermant, Jacob W.....	41 Park Row
1921 Bernard, Robert W.....	165 Broadway
1921 Bernstein, Saul	149 Broadway
1895 Berry, Carroll	180 Broadway
1920 Betts, Cortland	55 Wall street
1907 Betts, Samuel R.....	52 William street
1902 Bevins, Stanley H.....	51 Chambers street
1912 Bien, Franklin	5 Beekman street
1919 Bier, Sylvan	45 John street
1914 Rigelow, Ernest A.....	15 William street

§ Life member.

Elected

1910†Bijur, Nathan	51 Chambers street
1903 Binsee, Louis E.....	1 West 54th street
1912 Bishop, James L.....	2 Rector street
1917 Bissing, William F.....	2 Rector street
1909 Black, William Harman..	233 Broadway
1906 Blackwell, George E.....	63 Wall street
1921 Blackwell, James M.....	63 Wall street
1919 Blair, Joseph Paxton....	165 Broadway
1920 Blanchfield, James A....	2 Rector street
1913 Blau, William	49 Chambers street
1916 Bloch, Adolph	99 Nassau street
1920 Bloch, Henry	99 Nassau street
1920 Bloch, Maurice	51 Chambers street
1919 Block, Herman	17 Battery place
1904 Blumenthal, Maurice B...	981 Park avenue
1916 Boardman, Philip W....	120 Broadway
1913 Boese, Quincy Ward.....	155 West 58th street
1913 Bogue, Morton G.....	52 William street
1921 Boies, Edward B.....	27 Cedar street
1916 Boles, Edgar H.....	143 Liberty street
1893 Bomeisler, Louis E.....	100 Broadway
1914 Bondy, William	149 Broadway
1916 Bonyng, Robert W.....	71 Broadway
1915 Borland, Middleton S....	7 Dey street
1918 Boskowitz, Adolph	527 Fifth avenue
1907 Boston, Charles A.....	24 Broad street
1903 Bostwick, Charles F.....	2 Rector street
1915 Botham, Ralph W.....	45 William street
1903 Bouvier, J. Vernon, Jr...	165 Broadway
1921 Bovey, John M.....	32 Liberty street
1892 Bowen, James R.....	280 Broadway
1915 Bowers, William C., 2d..	Criminal Courts Building
1912 Boyesen, Hjalmar H.....	49 Wall street
1916 Boyle, John, Jr.....	2806 Third avenue
1907 Bradbury, Harry B.....	141 Broadway
1921 Bragaw, Allen C.....	140 Liberty street
1902 Brainerd, Ira H.....	253 Broadway
1921 Brandner Benjamin L.....	15 William street
1916 Breed, James McV.....	32 Liberty street
1913§Breed, William C.....	32 Liberty street
1909 Breitbart, Bernard	309 Broadway
1921 Brennan, Joseph P.....	21 Park Row
1912 Brewster, Joseph	170 Broadway
1913 Brice, Wilson B.....	100 Broadway
1912§Briesen, Hans v.....	25 Broad street
1919 Bristol, George W.....	20 Broad street
1907 Britt, Philip J.....	27 William street
1914 Britt, T. Louis A.....	271 Broadway
1921 Broadwin, I. L.....	55 Liberty street
1916 Brodek, Charles A.....	44 Cedar street
1921 Bromberger, Edgar	56 Pine street
1920 Brooks, George Bruce.....	56 Pine street
1902 Brown, Alfred S.....	62 William street
1913 Brown, Charles Paul.....	10 Wall street
1889 Brown, Edwin H.....	437 Fifth avenue
1912§Brown, Frederick M.....	54 Wall st. (Washington, D. C.)
1901 Brown, Pierre M.....	Whitehall Building

§ Life member.

‡ Honorary member.

Elected

1907 Browne, G. Morgan.....	29 Broadway
1919 Brownell, George F.....	50 Church street
1908 Bruce, M. Linn.....	68 William street
1882§Bruno, Richard M.....	10 E. 130th street
1921 Buchner, Charles E.....	120 Broadway
1913 Buck, Jerome H.....	2 Rector street
1921 Buckley, Charles A.....	14 Wall street
1918 Buckner, Emory R.....	31 Nassau street
1921 Budd, Bern	111 Broadway
1907 Bull, Charles C.....	27 William street
1909§Bullowa, Emilie M.....	32 Broadway.
1901 Burghard, Edward M....	111 Broadway
1913 Burkan, Nathan	1451 Broadway
1921 Burke, John F.....	111 Broadway
1919 Burleigh, George W.....	27 Cedar street
1916 Burlingame, Frederic A..	27 Cedar street
1912 Burlingham, Charles	27 William street
1902 Burlingham, Charles C..	27 William street
1893‡Burr, William P.....	Justice Supreme Court
1903§Burrill, Middleton S.....	24 Broad street
1902 Butler, William Allen...	54 Wall street
1916 Butterworth, G. Forrest..	40 Wall street
1919 Button, William H.....	120 Broadway
1915 Byrd, William	59 Wall street
1902 Byrne, James	24 Broad street
1921 Byrns, Richard S.....	149 Broadway
1907 Caffey, Francis G.....	Old P. O. Building
1913 Cahn, David B.....	66 Pine street
1919 Caldwell, James H.....	115 Broadway
1916 Callahan, Frank	61 Broadway
1913 Camp, Charles M.....	2 Wall street
1907 Campbell, Frederick B...	54 Wall street
1913 Campbell, George T.....	27 Madison avenue
1921 Campbell, William J.....	233 Broadway
1913 Candler, Robert W.....	48 Wall street (Shorthills, N. J.)
1919 Cane, Melville H.....	31 Liberty street
1903 Canfield, George F.....	49 Wall street.
1913 Cannon, Charles M.....	135 Broadway
1908 Cannon, William C.....	15 Broad street
1912 Cantor, Jacob A.....	Municipal Building
1913‡Cardozo, Benjamin N.....	Judge Court of Appeals
1907 Cardozo, Michael H., Jr..	128 Broadway
1898 Carey, Martin	26 Broadway
1915 Carlin, Walter Jeffreys..	2 Rector street
1913 Carlson, Frank	132 Nassau street
1913 Carman, Theron L.....	149 Broadway
1893‡Carmody, Thomas	61 Broadway
1903 Carnochan, William E...	52 William street
1893 Carpenter, Jas. Emerson.	59 Wall street
1919 Carpenter, Louis S.....	165 Broadway
1912 Carroll, Philip A.....	55 Wall street
1908 Carter, Jarvis P.....	1134 Madison avenue
1913 Cary, Guy	55 Wall street
1915 Case, George B.....	14 Wall street
1916 Chadbourne, Thomas L., Jr.	14 Wall street

§ Life member.

‡ Honorary member.

Elected

1911§	Chadbourne, William M....	165 Broadway
1920	Chambers, Harry B.....	115 Broadway
1907	Chanler, Lewis S.....	346 Broadway
1907	Chapman, Wm. P., Jr....	The Tribune Bldg.
1903	Chase, George	309 West 74th street
1913	Cheney, O. H.....	78 Madison ave.
1904	Childs, Edwards H.....	59 Wall street
1920	Chilvers, William	2 Rector street
1906	Chirurg, Isidor S.....	27 Cedar street
1908	Choate, Joseph H., Jr....	60 Wall street
1912	Chrystie, Einar	39 W. 43rd street
1907§	Chrystie, T. Ludlow.....	19 Cedar street
1921	Churchill, Thomas W.....	63 Wall street
1913	Clare, J. L.....	11 Broadway
1907	Clare, William F.....	135 Broadway
1912	Clark, Grenville	31 Nassau street
1919	Clark, Henry W.....	120 Broadway
1916	Clark, John C.....	149 Broadway
1914	Clark, John Kirkland....	61 Broadway
1920	Clark, William M.....	52 William street
1918	Clarke, John D.....	280 Broadway
1900†	Clarke, John Proctor....	Justice Supreme Court
1900§	Clarke, R. Floyd.....	26 Liberty street
1919	Clarke, Roger H.....	56 Wall street
1892	Clarke, Samuel B.....	56 Wall street
1892	Clement, George A.....	100 William street
1914	Clements, Theron A.....	141 Broadway
1892	Clinch, Edward S.....	41 Park Row
1908	Cobb, W. Bruce.....	234 Central Park West
1916	Cockran, W. Bourke....	100 Broadway
1908	Coffin, Herbert Lawton..	2 Rector street
1889	Coggeshall, Edwin W....	160 Broadway
1908†	Cohalan, Daniel F.....	Justice Supreme Court
1913	Cohalan, Dennis O'L....	120 Broadway
1913	Cohalan, John P.....	Hall of Records
1919	Cohen, Arthur J.....	61 Broadway
1906	Cohen, Henry L.....	2 Rector street
1913	Cohen, Isaac	20 Vesey street
1907	Cohen, Julius Henry....	111 Broadway
1913	Cohen, Lawrence B.....	35 Wall street
1893	Cohen, William N.....	22 William street
1915	Colby, Bainbridge	32 Nassau street
1919	Cole, Ashley T.....	30 East 42d street
1919	Coleman, Frank J., Jr....	624 Madison avenue
1912	Coleman, John Burlinson.	60 Wall street
1889	Collin, Charles A.....	120 Broadway
1917	Collins, Cornelius F.....	Criminal Courts Building
1916	Collins, Joseph F.....	27 Pine street
1916	Colnon, Aaron J.....	32 Franklin street
1916	Colt, Harris D.....	30 Broad street
1920	Compton, George Brokaw..	40 Wall street
1918	Comstock, George C.....	68 William street
1907	Conant, Ernest Lee.....	32 Liberty street
1912	Conboy, Martin	27 Pine street
1920	Congdon, Glenn M.....	14 Wall street
1908	Conklin, Robert S.....	34 Pine street
1916	Conklin, William R.....	31 Nassau street

§ Life member.

† Honorary member.

Elected

1916 Connelly Henry M. V....	141 Broadway
1920 Connor, Charles	1 Madison avenue
1915 Connor, Jeremiah F.....	80 Maiden lane (Oneida)
1919 Conrad, W. Davis.....	429 Custom House
1904 Conway, Thomas F.....	32 Nassau street
1912 Cook, Alfred A.....	111 Broadway
1907 Cook, William W.....	44 Wall street
1912 Cooke, Hedley V.....	31 Nassau street (Orange, N. J.)
1913 Cooper, Curtis Calvin.....	1764 Broadway
1920 Corbett, Edward L.....	336 Alexander avenue
1913 Corn, Joseph J.....	135 Broadway
1920 Corr, Joseph A.....	42 Broadway
1916 Corrigan, Joseph E.....	3 East 10th street
1921 Cotton, Joseph Bell	120 Broadway
1912 Cotton, Joseph P.....	43 Exchange place
1907 Coudert, Frederic R.....	2 Rector street
1915 Coutant, Russel S.....	15 Broad street
1913 Covington, George B....	60 Wall street
1917 Cowan, John F.....	121st street and Sylvan place
1913 Cowenhoven, C. T., Jr....	27 William street
1911 Cowing, Rufus B., Jr.....	55 Cedar street
1903 Cox, Robert Lynn.....	1 Madison avenue
1921 Coyle, Frank J.....	120 Broadway
1913 Craig, Charles L.....	120 Riverside Drive
1902 Crain, T. C. T.....	32 Franklin street
1915 Crampton, Foster	2 Rector street
1892 Cravath, Paul D.....	52 William street
1919 Crawford, Frank L.....	32 Liberty street (Summit, N. J.)
1920 Crichton, Powell	120 Broadway
1907 Crocker, Frank L.....	5 Nassau street
1913 Crowley, E. C.....	26 Liberty street
1920 Cullom, Neil Perry.....	165 Broadway
1912 Cumming, Robert C.....	60 Wall street
1912 Curie, Charles	149 Broadway
1912 Curtis, James B.....	32 Nassau street
1883 Curtis, William E.....	30 Broad street
1902 Curtis, William J.....	Woolworth Building
1918 Cushing, Harry A.....	43 Cedar street
1913 Cuvillier, Louis A.....	43 Cedar street
1912 Czaki, Frederick M.....	15 William street
1918 Danziger, Henry	1 Madison avenue
1902 Davidson, Maurice P.....	261 Broadway
1911 Davies, John R.....	630 W. 141st street
1920 Davis, Frank J.....	52 William street
1902 Davis, Gherardi	15 William street
1906 Davis, Henry K.....	3029 3rd avenue
1921 Davis, John	551 Courtland avenue
1899† Davis, Vernon M.....	Justice Supreme Court
1916 Dawson, Miles M.....	26 West 44th street
1916 Day, Schuyler E.....	48 Wall
1907 Dean, Philip S.....	160 Broadway
1917 Deane, Joseph G.....	15 Park Row
1920 DeAgüero, Miguel E.....	52 William street
1907 Debevoise, Thomas M....	62 Cedar street
1921 Dee, Michael F.....	Fordham University Law School

‡ Life member.

† Honorary member.

Elected

1918 DeForest, Henry L.....	30 Broad street (Plainfield, N. J.)
1916 De Forest, Robert W.....	30 Broad street
1912§De Friese, Lafayette H....	New York (London, Eng.)
1903 De Gersdorff, Carl A.....	52 William street
1907 Deiches, Maurice	63 Wall street
1913 Delafield, Frederick P.....	20 Exchange place
1900§Delafield, Lewis L.....	20 Exchange place
1916 Delafield, Lewis L., Jr....	20 Exchange place
1913‡Delehanty, Francis B.....	Justice Supreme Court
1919 Delehanty, John	32 Nassau street
1915 De Milhau, Louis J.....	1022 Park avenue
1876‡§Depew, Chauncey M.....	466 Lexington avenue
1913 De Roode, Albert.....	52 Wall street
1921 DeSilver, Albert	68 William street
1920 Desvernine, Raoul E.....	24 Broad street
1920 Devereux, Alvin	52 William street
1903 DeWitt, Theodore	88 Nassau street
1921 Dickheiser, Saul J.....	271 Broadway
1876§Dickerson, Edward N.....	141 Broadway
1912 Dillingham, Frank A.....	62 Cedar street
1921 Dineen, Benedict D.....	21 Park Row
1893 Dittenhoefer, Irving M....	32 Broadway
1876§Dixon, William P.....	32 Liberty street
1913 Dodd, Louis F.....	52 Broadway
1914 Dodge, Edward L.....	15 Nassau street
1916 Donnelly, James F.....	41 Park Row
1908‡Donnelly, Thomas F.....	Justice Supreme Court
1913 Dooling, John T.....	27 Cedar street
1915 Dore, Claude	49 Wall street
1912 Dos Passos, Cyril F.....	20 Maiden lane
1920 Dougherty, J. Hampden, Jr.	15 William street
1905‡Dowling, Victor J.....	Justice Supreme Court
1889 Doyle, Louis F.....	111 Broadway
1916 Dugro, Francis A.....	1 Union Square
1919 Dunn, Charles Wesley....	32 Liberty street
1893 Dunne, James	51 Chambers street
1919 Durand, Hamilton H.....	68 William street
1893 Durand, John S.....	81 Fulton street
1913 Durham, Knowlton	2 Rector street
1919§Durkin, Edmund L.....	32 Nassau street
1901 Dutton, John A.....	80 Maiden Lane
1908 Dwight, Richard E.....	96 Broadway
1913 Dwyer, John J.....	61 Broadway
1921 Earl, William A.....	110 William street
1921 Early, Charles M.....	38 Park Row
1921 Early, Daniel J.....	271 Broadway
1913 Earp, Wilbur F.....	120 Broadway
1913 Ecker, Samuel	155 East 88th street
1919 Eddy, George Simpson...	10 Wall street
1913 Eder, Phanor J.....	38 Park Row
1888 Edmonds, Walter D.....	27 Cedar street
1919 Edwards, Duncan	31 Nassau st. (Greenwich, Conn.)
1920 Edwards, Harold T.....	68 William street
1921 Edwards, Harry	15 William street
1913 Edwards, W. H. L.....	26-32 Liberty street

§ Life member.

‡ Honorary member.

Elected.

1920 Eggleston, Robert D.....	34 Pine street
1921 Ehlermann, Carl	68 William street
1912 Ehrhorn, Oscar W.....	15 William street
1913 Ehrich, Manfred W.....	60 Wall street
1907 Eidlitz, Ernest F.....	31 Nassau st. (Greenwich, Conn.)
1913 Eisemann, Fred F.....	41 Park Row
1913 Eisman, H. S.....	135 Broadway
1920 Elder, Robert D., Jr.....	30 Broad street
1916 Elfers, Herman	277 Broadway
1921 Elgar, Harold B.....	50 Pine street
1908 Elkins, George W.....	34 Pine street
1892†Elkus, Abram I.....	111 Broadway
1909 Elliott, Robert W. B.....	59 Wall street
1919 Ellis, George Adams.....	120 Broadway
1883 Ellis, George W.....	149 Broadway
1916 Ellison, Millard H.....	2 Rector street
1906 Ellison, William B.....	251 W. 104th st.
1916 Elsberg, Nathaniel A....	56 Liberty street
1915 Ely, Alfred, Jr.....	31 Nassau street
1918 Embree, Wm. Dean.....	37 Wall street
1907 Emerson, George H.....	27 William street
1919 Engelhard, George H.....	111 Broadway
1919 Englar, D. Roger.....	64 Wall street
1912 Ennever, Thomas C.....	132 Nassau street (East Orange, N. J.)
1906†Erlanger, Mitchell L.....	Justice Supreme Court
1913 Ernst, Irving L.....	170 Broadway
1918 Everett, A. Leo.....	37 Wall street
1919§Ewing, Thomas	160 Broadway
1921 Falck, Albert	2 Rector street
1921 Fales, DeCoursey	25 Broad street
1920 Falk, Samuel	299 Broadway
1905§Fallows, Edward H.....	Norfolk, Conn.
1920 Farquhar, John W.....	59 Wall street
1916 Farr, Henry Bartow.....	120 Broadway
1912 Fearhake, John D.....	60 Broadway (New Canaan, Conn.)
1913 Feiner, Benjamin F.....	66 Pine street
1889 Feitner, Thomas L.....	67 Wall street
1920 Ferguson, George P.....	50 Pine street
1916 Ferry, Mansfield	22 Exchange place
1903†Finch, Edward R.....	Justice Supreme Court
1913 Findlay, William C.....	201 8th avenue
1919 Findley, William L.....	2 East 45th street
1920 Fine, John	Post-Office Building
1921 Finegan, James Emmet.....	5 Beekman street
1913 Finelite, Alexander	32 Chambers street
1893 Fish, Leonard F.....	309 Broadway
1913 Fishel, Mortimer	32 Broadway
1913 Fitch, Ashbel P.....	32 Nassau street
1921 Flatto, Harold	261 Broadway
1907 Fleming, Matthew C.....	170 Broadway
1916 Fletcher, Bertram L.....	2 Rector street
1916 Fletcher, Henry	522 Fifth avenue
1921 Fluegelman, Henry	52 Broadway
1912 Folsom, Charles D.....	512 Fifth avenue

‡ Life member.

§ Honorary member.

Elected

1905†Ford, John	Justice Supreme Court
1914 Ford Michael A.....	51 Chambers st.
1904§Fordham, Herbert L.....	111 Broadway
1910 Forster Henry A.....	32 Liberty street
1919 Foster, Benjamin F.....	233 Broadway
1889 Foster, Roger	55 Liberty street
1905§Fox, Austen G.....	45 Wall street
1916 Fox, Charles	66 Broadway
1918 Fox, David J.....	31 Liberty street
1916 Fox, Lyttleton	120 Broadway
1921 Fox, Noel Bleecker.....	150 Nassau street
1915 Fox, Robert J.....	31 Nassau street
1918 Franc, James J.....	60 Broadway
1912 France, Melville J.....	25 Broad street
1913 Frank, Adam	120 Broadway
1914 Frank, Joseph S.....	66 Broadway
1914 Frank, Julius J.....	680 West End avenue
1920 Frank, Walter	25 Broad street
1913 Frankenstein, Samuel I..	115 Broadway
1921 Frankenthaler, Alfred	58 Maiden lane
1921 Frankenthaler, George	58 Maiden lane
1919 Franklin, George P.....	14 Wall street
1919 Franklin, George S.....	43 Exchange place
1892 Franklin, Ruford	34 Nassau street (Summit, N. J.)
1907 Fraser, George C.....	20 Exchange place (Morristown, N. J.)
1907 Freedman, John J.....	874 St. Nicholas avenue
1916 French, John	59 Wall street
1921 French, Warren C.....	41 Park Row
1913 Friedman, Stanleigh P...	2 Rector street
1913 Frost, Henry R.....	52 Broadway
1919§Frueauff, Charles A.....	60 Wall street
1921 Fuller, William J.....	49 LaFayette street
1912 Fuller, Paul, Jr.....	2 Rector street
1919 Fuller, Thomas Staples...	61 Broadway
1920§Furman, William L.....	84 Cotton Exchange
1915 Futrell, William H.....	32 Liberty street
1916 Gaillard, William D.....	31 Nassau street
1918 Gainsburg, I	258 Broadway
1913 Gallatin, Francis D.....	160 Broadway
1916 Galston, Clarence G.....	49 Wall street
1913 Gans, Howard S.....	50 East 41st street
1893 Gardner, John M.....	141 Broadway
1915 Garrett, Thomas, Jr.....	15 Broad street
1920 Garretson, Leland B.....	35 Nassau street
1917†Garrison, Lindley M.....	24 Broad street
1903 Gartland, George E.....	233 Broadway
1920 Garvan, Francis P.....	115 Broadway
1920 Garver, Chauncey B.....	55 Wall street
1902 Garver, John A.....	55 Wall street
1918 Gatens, Peter R.....	290 Broadway
1921 Gates, Merrill E., Jr.....	44 Wall street
1910†Gavegan, Edward J.....	Justice Supreme Court
1915 Gazzam, Joseph M.....	80 Maiden Lane
1920 Geer, Wm. Montague, Jr..	37 Wall street
1914§Geller, Frederick	22 Exchange place

‡ Life member.

† Honorary member.

Elected

1908§Gennert, Henry G.....	149 Broadway
1912 Genung, George L.....	624 Madison avenue
1907†Gerard, James W.....	46 Cedar street.
1912 Gerber, David	32 Broadway
1876§Gerry, Elbridge T.....	258 Broadway
1914 Gibboney, Stuart G.....	165 Broadway
1919§Gibbons, Austin Flint.....	269 Madison avenue
1916 Gibbons, John M.....	70 East 45th street
1915 Gibbs, Louis D.....	Bronx County Court House
1885†Giegerich, Leonard A....	Justice Supreme Court
1892§Gifford, James M.....	60 Broadway
1916 Gilbert, A. S.....	43 Exchange place
1913§Gilbert, Francis	43 Exchange place
1920 Gilbert, Frederic N.....	55 Wall street-
1913 Gildersleeve, Henry A...	120 Broadway
1913 Gillespie, George J.....	20 Vesey street
1912§Gilroy, Thomas F., Jr....	120 Broadway
1912 Gleason, Albert H.....	258 Broadway
1920 Gleason, Carlisle J.....	111 Broadway
1916 Godnick, William	261 Broadway
1920 Goetz, Norman S.....	128 Broadway
1921 Goldie, William V.....	27 Cedar street
1916§Goldman, Herman	120 Broadway
1912 Goldman, Julius	111 Broadway
1917 Goldman, Mayer C.....	7 Beekman street
1909 Goldman, Samuel P.....	120 Broadway
1919 Goldmark, Emil	111 Broadway
1919 Goldmark, Godfrey	120 Broadway
1918 Goldsmith, Samuel J.....	100 Broadway
1912 Goodhue, Isaac W.....	140 Nassau street
1912 Goodwin, William B.....	2 Wall street
1908 Gordon, Gordon	154 Nassau street
1906 Gordon, William S.....	2 Rector street
1915 Gormly, Clarence W.....	366 Madison avenue
1907 Gotthold, Arthur F.....	27 William street
1919 Grady, Franklin	25 Broadway
1912 Graham, Arthur B.....	25 West 43rd street
1913 Graham, George S.....	42 Broadway
1919 Graves, Harmon S.....	111 Broadway
1912 Gray, Henry G.....	49 Wall street
1908 Greeley, W. B.....	38 Park Row
1913 Green, Joseph I.....	291 Broadway
1916 Green, William W.....	120 Broadway
1893†Greenbaum, Samuel	Justice Supreme Court
1903 Greene, Richard T.....	43 Exchange pl. (Montclair, N. J.)
1908 Greenfield, Arthur D.....	52 Broadway
1916 Greenough, William	120 Broadway
1919 Gregory, Alfred	20 Exchange place (Maplewood, N. J.)
1916 Gregory, Percival H.....	256 Broadway
1918 Griffin, Charles L.....	45 Cedar st. (Maplewood, N. J.)
1914 Griffin, James H.....	277 Broadway
1919 Griffin, John W.....	27 William street
1920 Groh, Theodore J.....	35 Nassau street
1911§Grosman, Moses H.....	115 Broadway
1919 Gross, Albert	114 West 44th street

§ Life member.

† Honorary member.

Elected

1912 Grossman, William	1475 Broadway
1907 Grosvenor, Edwin P.....	40 Wall street (Washington, D. C.)
1914 Guggenheimer, Charles S.	120 Broadway
1918 Guggenheimer, Jay C.....	27 William street
1910 Guiterman, Milton S.....	32 Liberty street
1915§Gulick, Archibald A.....	120 Broadway
1889§Guthrie, William D.....	44 Wall street
1907 Gutman, Abraham L.....	111 Broadway
1906†Guy, Charles L.....	Justice Supreme Court
1919 Hackenburg, Frederick L...	261 Broadway
1919 Hadlock, Albert E.....	233 Broadway
1905 Hagar, Albert F.....	60 Wall street
1921 Haggerty, Louis C.....	7 East 42nd street
1915 Hahlo, Louis H.....	233 Broadway
1907 Haight, Charles S.....	27 William street
1913 Hale, William B.....	27 Cedar street
1913 Halff, Mayer L.....	37 Wall street
1919 Hall, Frank L.....	30 Broad street
1920 Hall, Lyle H.....	52 William street
1885 Hamburger, Samuel B....	2 Rector street
1907§Hammersley, Andrew S....	309 Broadway
1902 Hamilton, Francis E.....	61 Broadway
1915 Hamilton, Henry DeWitt.	258 Broadway
1918 Hamilton, Sinclair	49 Wall street
1893 Hamilton, Wm. Henry...	140 Broadway
1920 Hamlin, Francis B.....	43 Exchange place
1917 Hammer, Ernest E. L....	2808 Third avenue
1914 Hammond, Henry B.....	51 Chambers street
1905†Hand, Augustus N.....	Judge U. S. District Court
1900†Hand, Learned	Judge U. S. District Court
1903 Hanford, Solomon	41 Wall street
1920 Hanlon, Edward K.....	52 William street
1917 Hanson, Bert	14 John street
1915 Hanson, Peter B.....	55 Liberty street
1913 Harding, William H., Jr..	115 Broadway
1907 Hardon, Henry W.....	7 Dev street
1908 Hardy, Charles J.....	165 Broadway
1921 Hardy, Lamar	120 Broadway
1907 Harriman, George F.....	140 Cedar street
1912 Harrington, Howard S....	64 Wall street
1887§Harris, Albert H.....	Grand Central Terminal
1916 Harris, Charles N.....	Chambers and Centre streets
1918 Harris, Modie	20 Broad street
1916 Harris, Sidney	49 Wall street,
1902 Harrison, Robert L.....	59 Wall street
1912 Hart, William F. S.....	35 Wall street
1920 Harte, Howard B.....	66 Broadway
1916 Hartfield, Joseph M.....	14 Wall street
1921 Hartwell, Harold T.....	14 Wall street
1913§Harwood, Charles	77 Cortland street
1919 Haskell, William S.....	Woolworth building
1893 Hatch, Edward S.....	522 Fifth avenue
1914 Hatch, Edward W.....	14 Wall street
1913 Haughwout, James Ard...	2 Rector street (Montclair, N. J.)
1912 Haviland, Merritt E.....	32 Nassau street

§ Life member.

† Honorary member.

Elected

1890§Hawes, Gilbert Ray.....	20 Vesey street
1913 Hawke, Edward H., Jr....	66 Broadway
1903§Hayes, Alfred	14 Wall street
1921 Hayes, Carroll	170 East 121st street
1908 Hayes J. Noble.....	80 Maiden Lane
1918 Hays, Arthur Garfield....	43 Exchange place
1891 Hays, Daniel P.....	115 Broadway
1919 Hedges, George B.....	149 Broadway
1892§Hedges, Job E.....	165 Broadway
1913 Heide, M. L.....	17 So. William street
1921 Heinsheimer, Norbert	165 Broadway, New York
1908 Hemmens, Henry J.....	64 Wall street
1920 Hendricks, Henry S.....	128 Broadway
1906 Herrick, D-Cady	61 Broadway
1919 Herrick, Frederick M.....	22 Exchange place
1914 Herrick, Walter R.....	61 Broadway
1893 Herrman, Moses	32 Franklin street
1919 Hershenstein, Samuel	37 Wall street
1921 Hershkopf, Bernard	44 Wall street
1915 Herts, Harold H.....	20 Broadway
1919 Hertz, Emanuel	149 Broadway
1907§Herzog, Paul M.....	120 Broadway
1919 Hess, Jerome S.....	50 Pine street
1920 Hewitt, John Edmond.....	149 Broadway
1920 Heydt, Herman A.....	2 Rector street
1919 Hibbard, Robert H.....	120 Broadway
1913§Hickox, Charles R.....	27 William street
1906 Higley, Brodie G.....	100 Broadway
1907 Hill, Charles Borland.....	120 Broadway
1913 Hill, Edward B.....	335 W. 84th street (Mountain Lake, N. J.)
1919 Hill, Theodore M.....	2 Rector street
1913 Hill, William R.....	149 Broadway
1910 Hinrichs, Alfred E.....	52 Wall street (Glen Ridge, N. J.)
1889 Hinrichs, Frederic W.....	52 Wall street (Woodstock, Conn., and Brooklyn)
1918 Hirsch, Morris J.....	160 Broadway
1919 Hirst, William H.....	15 William street
1918 Hite, George E., Jr.....	49 Wall street
1912 Hobbs, Elon S.....	233 Broadway
1921 Hoff, Almeth W.....	32 Liberty street
1907 Hoff, Samuel	50 East 42nd street
1918 Hoffman, Charles L.....	141 Broadway
1913 Hoffman, Herman	233 Broadway
1921 Hofheimer, Henry	35 Nassau street
1919 Hognet, Robert Louis....	27 William street
1920 Hognet, Ramsay	149 Broadway
1920 Holmes, George E.....	15 William street
1907 Holmes, Jabish	32 Liberty street
1918 Holstein, Mark G.....	165 Broadway
1913 Hope, Walter E.....	49 Wall street
1920 Hoppin, William W.....	32 Nassau street
1907 Horan, Michael J.....	258 Broadway
1912 Hornblower, George S....	24 Broad street
1912 Horwitz, Otto	115 Broadway
1912†Hotchkiss, Henry D.....	Justice Supreme Court

§ Life member.

† Honorary member.

Elected

1893§Hottenroth, Adolph C....	261 Broadway
1902†Hough, Charles M.....	Judge U. S. Circuit Court
1919 Houston, Charles A.....	200 Fifth avenue
1919 Houston, Oscar	64 Wall street
1919 Howard, George H.....	62 Cedar street
1918 Howland, Silas W.....	31 Nassau street
1912 Howson, Hubert	55 Liberty street
1920 Hoyt, Lydig	59 Wall street
1919§Hubbard, John	60 Wall street
1916 Huddy, Xenophon P.....	51 Chambers street (East Orange, N. J.)
1888†Hughes, Charles E.....	96 Broadway
1917 Hughes, Charles E., Jr....	96 Broadway
1921 Hull, Lawrence C., Jr.....	117 Wall street
1913 Hume, Arthur Carter	547 Fifth avenue
1920 Hunt, G. Everett.....	220 Broadway
1913 Hunt, Leavitt J.....	120 Broadway
1903 Hunt, Thomas	15 William street
1914 Hunter, Frederick C.....	80 Maiden Lane
1918 Hupper, Roscoe H.....	27 William street
1903§Hurry, Randolph	80 Maiden Lane
1913 Hutchins, Francis S.....	120 Broadway
1912 Hutchinson, John W., Jr..	Lotos Club, 110 West 57th street
1910 Hyde, George H.....	41 Park Row
1913 Hyman, Arthur B.....	2 Rector street
1917 Hyman, Mark	61 Broadway
1904§Ingalls, Melville E., Jr....	27 Cedar street
1885 Ingraham, George L.....	14 Wall street
1912§Ingraham, Phoenix	120 Broadway
1919 Ingram, John Wharton...	55 Liberty street
1916 Intemann, Alfred C.....	31 Nassau street (Nutley, N. J.)
1920 Isbell, Orrin C.....	52 William street
1920 Isecke, Bernard J.....	140 Nassau street
1919 Iselin, John H.....	25 Broad street
1911 Jackson, John G.....	56 Pine street
1912§Jackson, Percy	43 Cedar street
1882§Jacobs, Abraham L.....	30 Broad street
1913 Jacobson, I. N.....	15 Park Row
1915 Jaques, George W.....	49 Wall street
1912§Jaretzski, Alfred	49 Wall street
1917 Jayne, Chester A.....	81 Fulton street
1919 Jeffery, Oscar W.....	34 Pine street (Englewood, N. J.)
1919 Jenkins, James C.....	512 Fifth avenue
1907§Jenney, William S.....	90 West street
1888§Jennings, Frederick B....	15 Broad street
1921 Jerome, William Travers...	37 Wall street, New York
1920 Jervey, Huger W.....	27 William street
1893 Jessup, Henry W.....	55 Liberty street
1907 Johnson, Edwin J.....	49 Wall street
1907 Johnson, Frank Verner..	2 Rector street
1913 Johnson, Norman	11 John street
1921 Johnston, John B.....	100 Broadway
1921 Johnston, Joseph S.....	34 Nassau street
1916 Jones, Edwin A.....	92 Liberty street
1919 Jones, Percival S.....	27 Pine street

§ Life member.

† Honorary member.

Elected

1918 Jones, T. Catesby.....	64 Wall street
1913 Joseph, George Edw.....	165 Broadway
1915 Joseph, Irving J.....	135 Broadway
1920 Jube, Albert R.....	7 Wall street
1903 Judge, John H.....	261 Broadway
1921 Kane, Frederick L.....	51 Chambers street
1913§Karelsen, Eph. A.....	87 Nassau street
1913 Kaufman, Henry H.....	115 Broadway
1916 Kaufmann, S. Walter.....	43 Exchange place
1919 Keating, Stephen H.....	52 Chambers street
1919 Keim, John Howard.....	25 Broad street
1917 Keleher, William T.....	2 Rector street
1919 Kelley, Charles E.....	30 Pine street
1898 Kelley, Charles F.....	140 Nassau street
1916 Kelley, Nicholas	80 Broadway
1905 Kellogg, Frederic R.....	52 Broadway (Morristown, N. J.)
1915 Kellogg, MacIntosh	115 Broadway (Spring Lake N. J.)
1907 Kelly, James Allison	60 Wall street
1914 Kelly, Richard	233 Broadway
1889 Kelly, Richard B.....	233 Broadway
1921 Kelly, Thomas W.....	2 Rector street
1919 Kendall, Messmore	120 Broadway
1912 Kennedy, Henry W.....	66 Broadway
1902 Kenneson, Thaddeus D..	53 Washington square
1893 Kent, Edwin C.....	156 Broadway
1903 Kenyon, Robert N.....	61 Broadway
1913§Keogh, Thomas F.....	233 Broadway
1921 Kerfoot, Branch P.....	200 Fifth avenue
1919 Kerngood, Norman W...	233 Broadway
1917 Kernochan, Frederic	32 Franklin street
1876§Kernochan, J. Frederic...	141 Broadway
1921 Keve, Abraham B.....	2 Rector street
1921 Keyes, Leanhard A.....	23 Wall street
1892 Kidder, Camillus G.....	55 Liberty street
1892§Kiddle, Alfred W.....	115 Broadway
1913 Kilbreth, James T.....	34 Pine street
1914 Kilsheimer, James B.....	198 Broadway
1912 Kilsheimer, James B., Jr.	198 Broadway
1920 King, Albert John.....	7 East 42nd street
1908 King, Arthur M.....	31 Liberty street
1903 King, James G.....	80 Broadway
1920 King, Robert N.....	27 Cedar street
1920 King, William H.....	155 East 39th street
1916 Kingsbury, Howard T...	2 Rector street
1913§Kinnicutt, Francis H.....	120 Broadway
1919 Kirk, William Anderson..	32 Liberty street (Milburn, N. J.)
1913 Kleeberg, Gordon S. P...	166 Broadway
1917 Klein, William	120 Broadway
1907 Kling, Joseph	160 Broadway
1913 Klingenstein, William ...	309 Broadway
1920 Klots, Allen T.....	32 Liberty street
1919 Knapp, James R.....	30 East 42d street
1902§Kneeland, A. Delos.....	115 Broadway
1900 Knox, Arthur	198 Broadway
1902 Knox, Herbert Allan.....	291 Broadway

‡ Honorary member.

Elected

1919†Knox, John C.....	Judge U. S. District Court
1915 Kobbe, Frederick Wm....	49 Wall street
1889 Kobbe, George C.....	46 Cedar street
1912 Koehler, Jerome H.....	61 Broadway
1919 Koehler, Robert H.....	7 Wall street
1920 Koenig, Morris	314 East 4th street
1918 Koenig, Samuel S.....	27 Cedar street
1920 Kohl, Edwin Phillips.....	11 Broadway
1916 Kohlman, Francis L.....	45 Cedar street
1921 Kohlmann, Hugo	30 Broad street
1916 Korkus, Emil P.....	5 Beekman street
1921 Kresel, Isidor J.....	37 Wall street, New York
1920 Kuhn, Walter R.....	115 Broadway
1916 Lachman, Samson	61 Broadway
1889 Lacombe, E. Henry.....	49 Wall street
1914§La Fetra, Edward B.....	City Court
1921 Lake, Howard C.....	30 Pine street
1917 Lamb, Gilbert D.....	115 Broadway
1920 La Motte, L. Howell....	Municipal bldg.
1919 Lancaster, William W....	55 Wall street
1921 Lane, Charles J.....	261 Broadway
1902 Lane, Wolcott Griswold..	80 Broadway
1921 Lark, Charles T.....	527 Fifth avenue
1912 Larocque, Joseph	40 Wall street
1912 Laski, Leon	160 Broadway
1914 Latham, Dudley E.....	280 Broadway
1917 Latson, Almet Reed.....	55 John street
1907§Lauer, Edgar J.....	624 Madison avenue
1889 Lauterbach, Edward	22 William street
1921 Lavenburg, Arthur	116 Broad street
1920 Lazarus, Max	200 Broadway
1917 Leahy, David T.....	165 Broadway
1907 Leale, Loyal	31 Nassau street
1889 Leavitt, John Brooks....	2 Rector street
1913 Le Barbier, Charles E....	31 Nassau street
1919 Ledyard, Lewis Cass.....	14 Wall street
1913 Lee, Louis Franklin.....	135 Broadway
1877§Leeds, Theodore E.....	32 Nassau street
1921 Leffingwell, R. C.....	52 William street
1909†Lehman, Irving	Justice Supreme Cour
1916 Leibell, Vincent L.....	51 Chambers street
1914 Leon, Maurice	60 Wall street
1919 Lesinsky, Albert R.....	149 Broadway
1913 Lesser, Benjamin	299 Broadway
1919 Lessler, Montague	31 Nassau street
1912 Leventritt, David	111 Broadway
1918 Leventritt, Edgar M....	111 Broadway
1903 Levi, Joseph C.....	37 Liberty street
1913 Levis, Robert P.....	42 Broadway
1913 Levison, Philip	115 Broadway
1913 Levy, Felix H.....	128 Broadway
1917 Levy, Louis S.....	Equitable Building
1912 Lewinson, Benno	119 Nassau street
1916 Lewis, Clarence M.....	43 Cedar street
1920 Lewis, George F.....	37 Wall st. (Glen Ridge, N. J.)
1909†Lewis, Merton E.....	27 Pine street (Rochester)

§ Life member.

† Honorary member.

Elected

1901§Lewis, Roger	44 Wall street
1916 Lewisohn, Sam. A.....	61 Broadway
1913 Lichtig, Arnold	141 Broadway
1908 Liebmnn, Walter H.....	507 Fifth avenue
1918 Lind, Alfred D.....	46 Cedar street
1918 Lindheim, Norvin R.....	43 Exchange place
1893 Lindsay, John D.....	43 Cedar street
1920 Linington, Stephen W.....	41 Park Row
1921 Lippincott, Harold E.....	1 East 45th street
1921 Littlefield, C. W.....	120 Broadway
1915 Littleton, Martin W.....	149 Broadway
1916 Livermore, Arthur L.....	2 Rector street
1913 Livingston, Cambridge ..	346 Broadway
1913 Lobdell, Leighton	111 Broadway
1916 Longfellow, Frederick W.	20 Exchange place
1919 Loomis, Alfred L.....	32 Liberty street
1919 Loomis, Homer L.....	52 Broadway
1912 Lord, Franklin B.....	49 Wall street
1917 Lotsch, John L.....	10 Wall street
1910 Loucks, William Dewey.	120 Broadway
1913 Loughran, Frank E.....	220 Broadway
1918 Louis, I. Balch.....	1269 Broadway
1920 Low, Benjamin R. C.....	120 Broadway
1913 Low, Ethelbert I.....	120 Broadway
1912 Low, William G.....	30 Broad street
1909 Lowenthal, Sidney	141 Broadway
1919 Lowrie, John M.....	7 Dey street
1920 Luce, Leverett J.....	165 Broadway
1913 Luce, Robert L.....	140 Nassau street
1916 Ludvigh, Elek John.....	485 Fifth avenue
1912§Lustgarten, William	68 William street
1919†Lydon, Richard P.	Justice Supreme Court
1917 Lynn, Wauhope	37 Liberty street
1912 Maass, Herbert H.....	100 Broadway
1912 Macfarlane, Wallace	26 Liberty street
1914 MacHenry, Charles A....	115 Broadway
1918 MacIntyre, Francis J.....	61 Broadway
1916 Mack, Harry W.....	342 Madison avenue
1892 Mackellar, George M.....	43 Cedar street
1915 Macrery, Andrew	34 Nassau street
1902§MacVeagh, Charles	15 Broad street
1913 Mahoney, Jeremiah Titus.	51 Chambers street
1909 Malevinsky, Moses L.....	Fitzgerald Bldg., Times Square,
1914 Mallett-Prevost, Severo ..	30 Broad street
1912 Mahoney, William P.....	41 Wall street
1876§Man, Frederick H.....	56 Wall street
1921 Mann, William	Grand Central Terminal
1909 Manheim, Jacob	302 Broadway
1919 Manice, Wm. DeForest.....	120 Broadway
1916 Manierre, Charles E.....	7 East 42nd street
1902 Mansfield, Howard	25 Broadway
1913†Manton, Martin T.....	Judge U. S. Circuit Court
1915 March, Moncure	120 Broadway
1918 Marcus, Samuel	Woolworth Building
1914 Marks, Maurice	19 Park place

§ Life member.

† Honorary member.

Elected

1916 Marsh, Charles C.....	2 Wall street (East Orange, N. J.)
1918 Marsh, Ralph	14 Wall street
1916 Marsh, Robert McC.....	31 Liberty street
1921 Marshall, Charles A.....	71 Broadway
1913 Marshall, H. Snowden....	111 Broadway
1912 Marshall, J. Markham....	25 Broad street
1886§Marshall, Louis	120 Broadway
1920‡Martin, Francis	Justice Supreme Court
1915 Martin, William J.....	64 Wall street
1920 Marshall, Trenholm H....	52 William street
1912 Marvin, Langdon Parker..	52 Wall street
1916 Mason, Jarvis W.....	100 Broadway
1902 Masten, Arthur H.....	49 Wall street
1911 Mathewson, Douglas	2024 Creston avenue
1921 Mayer, Arthur	261 Broadway
1898 Mayer, Henry James....	149 Broadway
1905‡Mayer, Julius M.....	Judge U. S. District Court
1896 Maynard, Reuben Leslie..	141 Broadway
1912 McAdoo, William	300 Mulberry street
1921 McAdoo, William G.....	120 Broadway
1913‡McAvoy, John V.....	Justice Supreme Court
1914 McCall, Edward E.....	165 Broadway
1920 McClintock, Harvey C.....	14 Wall street
1916 McCloy, Joseph F.....	56 Pine street
1907‡McCook, Philip James....	Justice Supreme Court
1913 McCormick, Robert M....	45 William street
1902 McCrahan, John H.....	42 Broadway (Syracuse)
1907 McCulloh, Allan	120 Broadway
1893§McCurdy, Delos	66 Broadway
1905§McDermott, Charles J....	2 Rector street
1891§McElhinney, James W....	41 Park Row
1920 McEwen, Kenneth	30 Broad street
1920 McGivney, Arthur A.....	61 Broadway
1914§McGoldrick, Edward J....	20 Exchange place
1912 McGrew, Fitzhugh	14 Wall street
1915 McHarg, Ormsby	115 Broadway
1909 McIlvaine, Tompkins	52 William street
1915 McIntosh, James H.....	346 Broadway
1919 McKee, Lanier	34 Nassau street
1912 McKelvey, Charles W....	45 Wall street
1907 McKelvey, John Jay.....	43 Cedar street
1912 McKenna, Thomas P.....	52 Broadway
1921 McKercher, Clark	17 Battery place
1918 McKinstry, Arthur P.....	60 Wall street
1913 McLanahan, Scott	135 Broadway
1913 McLaughlin, Alonzo G....	15 William street
1913 McMahan, Edward W....	100 Broadway
1892 McMahan, Fulton	165 Broadway
1913 McManus, Terence J.....	170 Broadway (Hackensack, N. J.)
1918 McMullen, John R.....	277 Broadway
1913 McNaboe, James F.....	68 William street
1902 McNulty, William D.....	141 Broadway
1920 McVeigh, Charles S.....	32 Liberty street
1919 Mead, Carl A.....	55 Wall street
1918 Mead, Robert G.....	62 Cedar street
1915 Medina, Harold R.....	34 Nassau street
1912 Melcher, John S.....	54 William street

§ Life member.

‡ Honorary member.

Elected

1920 Meldon, Alfred W.....	55 John street
1921 Melick, Harry C. W.....	15 William street
1907 Mellen, Chase	27 Cedar street
1912 Melville, Henry	45 Cedar street
1915§ Mercer, George, Jr.....	266 W. 23d street
1901 Merchant, Henry D.....	149 Broadway (Nassau, N. Y.)
1912 Merriman, James D.....	2 Rector street,
1914 Merritt, Walter Gordon..	135 Broadway
1920 Messler, Benjamin E.....	256 Broadway
1916 Metcalf, Orlando P.....	115 Broadway
1913 Meyer, Abraham G.....	Justice City Court
1919 Meyer, Charles B.....	42 West 44th street
1920 Meyer, Schuyler M.....	20 Exchange place
1913 Meyer, Walter E.....	14 Wall street
1907 Meyers, James Cowden..	51 E. 42d street
1903 Middlebrook, Frederic J.	7 Dey street
1900 Miehlting, Edward	258 Broadway
1907 Milbank, Albert G.....	49 Wall street
1898 Milburn, John G.....	54 Wall street
1916 Miller, David Hunter....	61 Broadway
1912 Miller, Seaman	2 Rector street
1907 Miller, William Wilson..	24 Broad street
1919 Mills, Franklin H.....	30 Pine street
1916 Mills, Ogden L.....	15 Broad street
1916 Miner, Karl R.....	206 Broadway
1916 Mingle, Harry Bowers...	Woolworth Bldg. (Orange, N. J.)
1902§ Minrath, Ferdinand R....	22 William street
1916 Minton, Francis L.....	290 Broadway
1921 Mitchell, Cornelius von E..	44 Wall street
1912 Mitchell, Joseph V.....	1109 Woolworth Building
1917† Mitchell, Richard H.....	Justice Supreme Court
1904 Mitchell, Willard A.....	141 Broadway
1878 Mitchell, William	44 Wall street
1903 Monroe, Robert Grier ...	26 Liberty street
1921 Montague, Gilbert H.....	40 Wall street
1918 Montgomery, Robert H..	55 Liberty street
1904§ Mooney, Edmund Luis.....	38 Pine street
1920 Moran, Samuel F.....	14 Wall street
1914 Moran, William J.....	76 William street
1903§ Morawetz, Victor	44 Wall street
1905 Morgan, George W.....	32 Liberty street
1916 Morgan, William Osgood..	115 Broadway (Montclair, N. J.)
1916 Morris, Robert C.....	27 Pine street
1902 Morrison, Archie B.....	140 Nassau street
1907 Morrow, Dwight W.....	23 Wall st. (Englewood, N. J.)
1888 Morse, Waldo G.....	10 Wall street
1921 Moses, Alfred S.....	121 Duane street
1914 Mosle, A. Henry.....	30 Broad street
1917† Mullan, George V.....	Justice Supreme Court
1916 Mulqueen, Joseph F.....	32 Franklin street
1911 Mulqueen, Michael J.....	253 Broadway
1913 Murphy, William E.....	346 Broadway
1919 Murray, A. Gordon.....	56 Pine street
1903 Murray, Geo. Welwood..	37 Wall street (Montclair, N. J.)
1914 Murray, T. E.....	314 West 54th street
1907 Murtha, Thomas F.....	55 Liberty street
1918 Myers, Nathaniel	1790 Broadway

§ Life member.

† Honorary member.

Elected

1913 Myers, S. S.....	60 Wall street
1903 Nadal, Charles C.....	92 Liberty street
1920 Nagle, Harold E.....	Hall of Records
1907 Nash, J. Burnet.....	32 Liberty street
1892 Nathan, Edgar J.....	128 Broadway
1920 Nathan, Edgar J., Jr.....	128 Broadway
1912 Nathan, Harold	111 Broadway
1907 Naumburg, Bernard	170 Broad street
1920 Naylor, Levi William.....	41 Park Row
1920 Neagle, Francis E.....	62 Cedar street
1907 Neave, Charles	5 Nassau street
1912§ Neilson, Robert H.....	52 William street
1916 Nellany, Charles V.....	Municipal Bldg
1912 Neuman, Frederick F.....	2 Rector street
1915 Nevius, Franklin	115 Broadway
1905† Newburger, Joseph E.....	Justice Supreme Court
1912 Newgass, George W.....	2 Rector street
1920 Nicoll, Courtlandt	149 Broadway
1901 Nicoll, DeLancey	61 Broadway
1898 Nicholson, John	32 Nassau street
1889 Niles, William White...	299 Madison avenue
1912 Noble, Herbert	115 Broadway
1913 Nolan, John R.....	111 Broadway
1920 Nooney, James A.....	55 John street
1919 Nordlinger, H. H.....	60 Wall street
1919 Northrop, Charles P.....	31 Nassau street
1876§ Norwood, Carlisle	12 East 44th street
1921 Noyes, Perley H.....	14 Wall street
1919 Noyes, Walter C.....	32 Nassau street
1921 Nugent, James F.....	60 Wall street
1883 Nussbaum, Myer	51 Chambers street
1915 O'Brien, Dennis F.....	1482 Broadway
1908 O'Brien, John E.....	115 Broadway
1912 O'Brien, Morgan J.....	Equitable Building
1921 O'Callaghan, Maurice	61 Broadway
1913 O'Connell, John J.....	31 Nassau street
1920 O'Connor, D. Basil.....	120 Broadway
1914 O'Connor, James P.....	Municipal Bldg.
1917 O'Connor, John J.....	43 Cedar street
1902 O'Conor, John C.....	2 Wall street
1876 Odell, Hamilton	135 W. 75th street
1899 O'Dwyer, Edward F.....	32 Chambers street
1903 Ogden, David B.....	52 William street
1911† O'Gorman, James A.....	37 Wall street
1889 O'Gorman, Richard	51 Chambers street
1888§ Olcott, J. Van Vechten..	80 Maiden Lane
1913 Olcott, Neilson, 2d.....	170 Broadway
1913 Olcott, William M. K....	170 Broadway
1919 Olds, Irving S.....	14 Wall street
1903§ Olin, Stephen H.....	34 Nassau street
1920 Olney, George H.....	120 Broadway
1902 Olney, Peter B.....	68 William street
1920† O'Malley, James	Justice Supreme Court
1889§ Onderdonk, Andrew J....	31 Pine street
1919 O'Neil, Wilfrid N.....	135 Broadway

§ Life member.

† Honorary member.

Elected

1911 O'Neill, Frank J.....	84 William street
1883§Opdyke, William S.....	35 Nassau street
1919 Openhym, Wilfred A.....	25 Broad street
1890 Oppenheim, Myron H....	92 Pine street
1913 Oppenheimer, Leo	60 Wall street
1917 Ordway, Samuel H.....	27 William street
1916 Orr, William C.....	51 Chambers street
1920 Osborn, A. Perry.....	52 William street
1916 Osborn, W. Russell.....	165 Broadway
1912 Osborne, James W.....	115 Broadway
1902 O'Sullivan, William J....	Municipal Building
1918§Otheman, Edward R.....	31 Nassau street
1919 Otis, Harold	25 Broad street
1920 Ottenberg, Irving S.....	206 Broadway
1918 Otterbourg, Edwin M....	200 Fifth avenue
1903 Ottinger, Nathan	120 Broadway
1892 Oudin, Lucien	34 Pine street
1913 Overlander, Rufus M....	310 West 137th street
1907†Page, Alfred R.....	Justice Supreme Court
1919 Page, Richard M.....	27 Cedar street
1908§Page, William H.....	60 Liberty street
1908 Paine, Willis S.....	334 Fifth avenue
1908 Parish, Edward C.....	52 Wall street
1886†Parker, Alton B.....	111 Broadway (Esopus)
1912 Parker, Junius	111 Fifth avenue
1914 Parkinson, Thomas I....	606 Kent Hall
1913 Parks, Elton	80 Broadway
1912 Parmly, Randolph	2 Rector street
1903 Parsons, Herbert	52 William street
1912 Paskus, Benjamin G.....	128 Broadway
1906 Paskus, Martin	2 Rector street
1903 Patterson, Benjamin	149 Church street
1907 Patterson, Frank M.....	140 Broadway
1914 Patterson, Fred'k Holden.	7 East 42d street
1916 Patterson, William J....	61 Broadway
1912 Patterson, William M....	45 Cedar street
1903 Paulding, Charles C.....	Grand Central Terminal
1915 Pavey, Frank D.....	32 Nassau street
1916 Peck, Arthur J.....	71 Broadway (Passaic, N. J.)
1907 Pegram, Henry	56 Beaver street
1914 Pembleton, John G.....	2 Rector street
1903†Pendleton, Francis K....	Justice Supreme Court
1918 Perkins, Charles Albert..	200 Fifth avenue
1917 Perkins, Edward N.....	54 William street
1919 Perkins, W. R.....	511 Fifth ave. (Montclair, N. J.)
1919 Perrin, Lee J.....	59 Wall street
1918 Peters, Curtis A.....	55 Wall street
1912 Pette, Alfred C.....	115 Broadway
1894 Petty, Robert D.....	890 West End Avenue
1918 Pfeiffer, Alexander	46 Cedar street
1907 Phelps, Luis James.....	149 Broadway
1920 Philbin, Ewing R.....	52 William street
1920 Philbin, Jesse Holladay....	60 Wall street
1921 Philbin, Stephen H.....	5 Nassau street
1916 Philipp, M. B.....	11 East 57th street
1919 Philipp, Philip B.....	220 Broadway

§ Life member.

† Honorary member.

Elected

1912 Phillips, Edgar J.....	41 Park Row
1913 Phillips, N. Taylor.....	51 Chambers street
1918 Pierce, Henry H.....	49 Wall street
1907 Pierson, Charles W.....	120 Broadway
1916 Pinks, James Leslie.....	233 Broadway
1903 Place, Ira A.....	Grand Central Terminal
1921 Plante, C. Bertram.....	15 William street
1888 Platt, Frank H.....	120 Broadway
1916 Platt, Livingston	120 Broadway
1895†Platzek, M. Warley.....	Justice Supreme Court
1913 Plitt, George W.....	150 Nassau street
1915 Polk, Frank L.....	15 Broad street
1913§Pollak, Walter H.....	111 Broadway
1906†Porter, Horace	277 Madison ave
1918 Porter, Louis H.....	30 Broad st. (Stamford, Conn.)
1911 Posner, Louis S.....	15 Broad street
1915 Potter, Arnold J.....	61 Broadway
1912 Potts, Joseph	70 Fifth avenue
1919 Powell, Frederick J.....	7 Dey street
1916 Powell, Henry M.....	51 Chambers street
1918 Powell, Wilson M.....	7 Wall street
1912 Pratt Addison S.....	61 Broadway
1913 Pratt, George C.....	195 Broadway
1913 Pratt, John T.....	27 Pine street
1905 Prentice, Ezra Parmelee.	61 Broadway
1912 Prentice, Robert Kelly...	245 Broadway
1919 Press, T. Channon.....	280 Broadway
1917 Pressinger, Austin E....	15 William street
1920 Price, Guernsey	1 Liberty street
1913 Prindle, Edwin J.....	111 Broadway
1913 Prioleau, Thomas G.....	17 Battery place
1908 Proskauer, Joseph M....	111 Broadway
1892 Purrington, William A...	52 Wall street
1889 Putnam, Tarrant	37 W. 44th street
1912 Putney, Edmonds	2 Rector street
1898 Quackenbush, James L...	165 Broadway
1907 Quinn, John	31 Nassau street
1912 Rabe, Rudolf F.....	258 Broadway
1918 Rabenold, Ellwood M.....	61 Broadway
1913 Ransom, William L.....	120 Broadway
1918 Rathbone, Albert	80 Broadway
1907 Redding, William A.....	38 Park Row
1893 Redfield, Henry S.....	39 Clermont avenue
1919 Redington, George O....	27 Cedar street
1915§Reed, Lansing P.....	15 Broad street
1913 Reed, Louis F.....	5 Nassau street (Orange N. J.)
1907 Reese, Richmond J.....	64 Wall street
1914 Regan, Thomas J.....	120 Broadway
1913 Relyea, William C.....	217 Broadway
1920 Remer, John W.....	20 Nassau street
1914 Reubens, Raymond	149 Broadway
1913 Reynolds, Oliver C.....	68 William street
1913 Rianhard, Henry W.....	52 Broadway
1917 Richards, Augustus Loring	96 Broadway (Greenwich, Conn.)
1902 Richards, George	141 Broadway
1902§Richardson, Samuel M....	2 Rector street

§ Life member.

† Honorary member.

Elected

1917 Rider, John M.....	44 Cedar street
1916 Riegelman, Charles A.....	128 Broadway
1903§ Riker, Samuel, Jr.....	19 Cedar street
1913 Rittenberg, William C....	100 Bleecker street
1913 Robbins, Russell H.....	2 Rector street
1921 Roberts, George	32 Liberty street
1912 Robinson, Beverly R.....	49 Wall street.
1919 Robinson, Charles P.....	111 Broadway
1913 Robinson, John C.....	31 Nassau street
1913 Robinson, Nelson L.....	56 Wall street
1919 Roe, Gilbert E.....	55 Liberty street
1900 Roe, J. Brewster.....	41 Park Row
1903 Roe, Jesse Grant.....	128 Broadway
1914 Rogers, Gustavus A.....	66 Broadway (Glens Falls)
1921 Rogers, Hubert E.....	60 Wall street
1919 Rogers, John S.....	27 Cedar street
1915 Rogers, Noah Cornwell...	100 Broadway
1914 Rogers, Saul E.....	55th street and 10th avenue
1907 Rooney, John Jerome....	233 Broadway
1877† Root, Elihu	31 Nassau street
1912 Root, Elihu, Jr.....	31 Nassau street
1905 Rosalsky, Joseph S.....	346 Broadway
1905 Rosalsky, Otto A.....	32 Franklin street.
1908 Rose, Abram J.....	115 Broadway
1916 Rose, Alfred L.....	128 Broadway
1919 Rose, L. Raymond.....	25 Broad street
1916 Rose, William R.....	128 Broadway
1918 Rosen, Gustav J.....	233 Broadway
1913 Rosenberg, Ely	346 Broadway
1913 Rosenberg, J. N.....	74 Broadway
1904 Rosendale, George	52 Broadway
1913 Rosenthal, Charles M....	1476 Broadway
1919 Rosston, Walter J.....	115 Broadway
1915 Roth, Edward U.....	42 Broadway
1921 Rothschild, Jay Leo.....	43 Cedar street
1919 Roulstone, Wm. Bradford.	61 Broadway
1893 Rounds, Arthur C.....	96 Broadway
1912 Rounds, Ralph S.....	62 Cedar street
1902 Rowe, William V.....	133 E. 38th street
1912 Rubin, J. Robert.....	165 Broadway
1908 Rush, Thomas E.....	49 Wall street
1898§ Rushmore, Charles E....	61 Broadway
1921 Ruskay, C. B.....	302 Broadway
1916 Russell, Charles M.....	50 Church street
1912 Russell, Charles T.....	15 Dey street
1916 Russell, Isaac Franklin...	233 Broadway
1912 Ryall, George	225 Fifth avenue (Passaic, N. J.)
1914 Ryan, Frank J.....	15 Broad street
1919 Ryan, Frederick R.....	61 Broadway
1912 Ryttenberg, Moses R....	Hotel Blackstone, 50 E. 58th st.
1900 Sackett, Henry W.....	Tribune Building
1918 Sage, Dean	49 Wall st. (Bernardsville, N. J.)
1912 Salter, A. Oldrin.....	140 Nassau street
1921 Sammet, Harry	45 Cedar street
1913 Samuels, Otto A.....	217 Broadway
1920 Samuels, Philip C.....	217 Broadway

§ Life member.

† Honorary member.

Elected

1919 Sanborn, George P.....	141 Broadway
1919 Sanborn, Orville C.....	80 Broadway
1914 Sanders, Leon	217 Broadway
1907 Sanford, Edward	27 William street
1919 Sanford, Elmer B.....	50 Church street
1921 Sargent, Isaac	253 Broadway
1903§ Satterlee, Herbert L.....	49 Wall street
1915 Satterlee, Hugh	52 William street
1919 Saxe, Martin	27 Pine street
1910 Scanlan, Michael J.....	861 Crotona Park, Bronx
1909 Schaap, Michael	55 Liberty street
1919 Scharps, Albert T.....	154 Nassau street
1917§ Schechter, Jacob	10 Wall street
1919 Schenck, Warren A.....	55 Liberty street
1921 Schleimer, Max	434 Broadway
1913 Schmuck, Peter	City Court
1913 Schramm, Arnold O.....	233 Broadway
1919 Schur, Robert P.....	31 Nassau street
1908 Schurman, George W....	96 Broadway
1907 Schurz, Carl L.....	15 Park Row
1913 Schwartz, John J.....	100 Broadway
1920 Scott, Allan	55 Liberty street
1898 Scott, Francis M.....	46 Cedar street
1915§ Scudder, Edward M.....	59 Wall street
1921 Scudder, Townsend	2 Rector street
1906† Seabury, Samuel	120 Broadway
1907 Seabury, William M.....	120 Broadway
1913 Seasongood, Clifford	524 Fifth avenue
1921 Seidman, Edward S.....	149 Broadway
1912 Seitz, Oscar R.....	52 Wall street
1919 Selig, Samson	65 Broadway
1920 Seligman, Eustace	49 Wall street
1889 Seligman, George W.....	43 Cedar street
1919 Seligsberg, Alfred F.....	15 William street
1916 Seligsberg, W. N.....	43 Cedar street
1905 Semple, Oliver C.....	277 Broadway
1889 Seymour, Daniel	80 Broadway
1916 Shaffer, Jacob H.....	115 Broadway
1921 Shapiro, Isadore	120 Broadway
1912 Shearn, Clarence J.....	22 William street
1920 Sheehan, Timothy G.....	1133 Broadway
1913 Sheffield, James R.....	52 William street
1889§ Sheldon, Edward W.....	45 Wall street
1920 Sherman A. Outram.....	40 Wall street
1918 Sherman, Henry L.....	160 Broadway
1912 Sherman, P. Tecumseh...	15 William street
1915 Sherman, Thomas A.....	100 Broadway
1915§ Sherrill, Charles H.....	20 East 65th street
1921 Shirk, G. Stanley.....	175 Broadway
1914 Sicher, Dudley F.....	160 Broadway
1913 Siegel, Alexander B.....	25 Broad street
1921 Siemon, William S.....	44 Wall street
1915 Sillcocks, Henry	165 Broadway
1907 Simms, Charles E.....	167 Alexander avenue, Bronx
1914 Simpson, George W.....	City Magistrate
1902 Simpson, John W.....	62 Cedar street
1914 Singer, David E.....	27 Cedar street

§ Life member.

† Honorary member.

Elected

1913 Singer, Henry B.....	55 Liberty street
1916 Sinnot, Philip J.....	52 Wall street
1912 Skillin, Augustus H.....	61 Broadway
1902 Skinner, George I.....	115 Broadway
1915 Smith, A. Parker.....	61 Broadway
1913 Smith, Charles Green....	68 William street
1915 Smith, Charles Robinson.	25 Broad street
1905§Smith, Henry	261 Broadway
1920 Smith, J. Boyce.....	25 West 44th street
1919§Smith, John Thomas.....	224 West 57th street
1915 Smith, Leonard Hull.....	14 Wall street
1919 Smith, Percival C.....	43 Cedar street
1917 Smith, Richard W.....	130 East 15th street
1913 Smith, Thomas F.....	32 Chambers street
1901 Smith, William H.....	63 Wall street
1915 Smith, William Mason...	25 Broad street
1918 Smyth, Francis	40 Wall street
1901 Smyth, Herbert C.....	67 Exchange street
1907 Smyth, Nathan A.....	27 William street
1913 Snyder John G.....	140 Nassau street
1921 Snyder, Marshall	256 Broadway
1919 Spafford, Joseph H.....	111 Broadway
1903 Spalding, Lyman A.....	55 Liberty street
1912 Speir, Louis Dean.....	20 Exchange place
1912 Spellman, Benjamin F...	115 Broadway
1916 Spence, Kenneth M.....	60 Wall street
1903 Spencer, Nelson S.....	27 William street
1893 Spiegelberg, Frederick ..	36 W. 76th street
1915 Spingarn, Arthur B.....	19 West 44th street
1919 Spooner, Charles P.....	14 Wall street
1916 Spoor, Seward G.....	149 Broadway
1919 Sprague, Edward E.....	54 William street
1912 Sprague, Rufus W., Jr...	23 West 43rd street
1917 Squier, Joel J.....	Municipal Building
1890 Stanchfield, John B.....	120 Broadway
1915§Stanfield, Otto M.....	150 Broadway
1908 Stapleton, Luke D.....	111 Broadway
1916 Stearns, Marshall	43 Exchange place (New Canaan, Conn.)
1903 Steele, Charles	15 Broad street
1916 Steele, John N.....	120 Broadway
1918 Steinbugler, John L.....	1 Broadway
1919 Steindler, Emanuel E.....	200 Fifth avenue
1912 Steinkamp, William H....	140 Nassau street
1914 Stephens, Amos H.....	30 E. 42nd street
1901§Stern, Abraham	31 Nassau street
1917 Stern, Benjamin H.....	149 Broadway
1920 Stern, Henry Root	61 Broadway
1913 Stern, Nathan D.....	115 Broadway
1917 Stern, Simon T.....	41 Park Row
1921 Stern, Walter	60 Wall street
1919 Stetson, Henry T.....	2 Rector street (Orange, N. J.)
1907 Steuart, James L.....	132 West 42nd street
1918 Steuer, Max D.....	42 Broadway
1919 Stevens, Edward L.....	154 Nassau street (Greenwich, Conn.)
1919 Stevens, Guy	17 Battery place
1917 Stevenson, A. E.....	20 Nassau street

§ Life member.

Elected

1921	Stevenson, Henry M.....	26	Liberty street
1909	Stewart, Ira Bliss.....	346	Broadway
1916	Stewart, Robert	150	Nassau street
1907	Stewart, William A. W....	45	Wall street
1920	Stickney, Albert	80	Broadway
1907§	Stier, Joseph F.....	11	Broadway
1876§	Stiger, William E.....	149	Broadway
1902	Stimson, Henry L.....	32	Liberty street
1919	Stockton, Herbert K.....	27	William street
1913	Stoddard, John M.....	128	Broadway
1916	Stone, Harlan F.....	49	Wall street
1921	Stone, Nathan H.....	434	Broadway
1916	Storey, John DeR.....	60	Liberty street
1913	Stout, William Law.....	31	Liberty street
1914	Stover, Josiah A.....		Municipal Building
1906	Stover, Martin L.....	27	William street (Amsterdam)
1915	Stowell, Edward E.....	43	Exchange place
1917§	Stowell, Harley L.....	61	Broadway
1920	Strack, Henry D.....	14	Wall street
1907	Strasbourger, Samuel	74	Broadway
1918	Strasser, Arthur L.....	27	William street
1887†	Straus, Oscar S.....	42	Warren street
1889	Strauss, Charles	141	Broadway
1914	Strauss, Jerome A.....	42	Broadway
1920	Stricker, Adam K.....	149	Broadway
1916	Strong, Charles H.....	27	Cedar street,
1913	Stroock, Moses J.....	141	Broadway
1912	Stroock, Solomon M.....	141	Broadway
1916	Studin, Charles H.....	55	Liberty street
1908	Sturges, Ralph A.....	60	Wall street
1913	Sturtz, Samuel	198	Broadway
1903	Sullivan, Florence James..	27	Cedar street
1913	Sullivan, John J.....	140	Nassau street
1890†§	Sulzer, William	115	Broadway
1913	Sumner, Malcolm	20	Nassau street
1913	Sutherland, Arthur	52	William street
1918§	Swain, Chester O.....	26	Broadway
1893	Swift, Frederic J.....	31	Nassau street
1913	Sykes, Henry W.....	256	Broadway
1917	Symmes, William B., Jr..	55	Liberty street
1902§	Taft, Henry W.....	40	Wall street
1893	Taft, Theodore M.....	15	William street
1916	Taft, Walbridge S.....	40	Wall street
1915	Taggart, Rush	195	Broadway
1912	Talbot, Harry A.....	80	Maiden Lane
1913	Talley, Alfred J.....	165	Broadway
1916	Tausch, J. Franklin.....	32	Broadway
1913	Taussig, Charles A.....	220	Broadway.
1912	Taylor, Carl	37	Wall street
1908	Taylor, Charles I.....	64	Wall st. (East Orange, N. J.)
1916	Taylor, Howard C.....	256	Broadway
1913	Taylor, John H.....	111	Broadway
1913	Taylor, John Robert.....	41	Park Row
1920	Taylor, Martin	60	Wall street
1913§	Taylor, Myron C.....	346	Broadway
1907	Taylor, Robert C.....	155	W. 58th street

§ Life member.

† Honorary member.

Elected

1914 Taylor, Valentine	52 Wall street
1914 Taylor, Walter F.....	54 Wall street.
1919 Teets, Herbert M.....	530 Fifth avenue
1913 Ten Eyck, John C.....	44 Pine street
1912 Tenney, Levi S.....	140 Nassau st. (Montclair, N. J.)
1907 Terry, Charles Thaddeus.	100 Broadway
1907 Thacher, Archibald G....	59 Wall street
1913 Thacher, Thomas D.....	62 Cedar street
1920 Thirkield, Harry D.....	27 William street
1914 Thomas, Abel Cary.....	2 Rector street
1919 Thomas, Hector W.....	111 Broadway
1912 Thomas, Stephen G.....	40 Wall street
1913§Thompson, J. Campbell..	63 Wall street
1908 Thoms, George	15 William street
1919 Thomson, George J.....	2 Wall street
1915 Thorn, Charles E.....	56 Liberty street
1903 Thorne, Robert	30 Broad street
1913§Thorne, Samuel, Jr.....	27 Cedar street
1920 Thurman, Israel N.....	15 Broad street
1916†Tierney, John M.....	Justice Supreme Court
1920 Timme, Waldemar F.....	149 Broadway
1912 Tinsdale, Edmund J.....	132 Nassau street
1907 Tison, Alexander	15 William street
1912 Tolles, Brainard	34 Nassau street (Hoboken, N. J.)
1916 Tomlinson, R. E.....	409 W. 15th st. (Montclair, N. J.)
1919 Tompkins, Hamilton B...	128 Broadway
1915 Tompkins, Leslie J.....	27 Cedar street
1909 Toole, John Conway.....	135 Broadway
1909 Towne, Paul R.....	258 Broadway.
1899 Townsend, Arthur O.....	31 Nassau st. (Montclair, N. J.)
1920 Townsend, Dallas S.....	59 Wall street
1912 Townsend, Gerard B....	32 Liberty st. (Montclair, N. J.)
1912 Townsend, Howard	27 Cedar street
1921 Townsend, Myron T.....	245 Broadway
1921 Tracy, John E.....	128 Broadway
1915 Travis, Charles Mabbett.	60 Wall street
1919 Travis, John C.....	32 Nassau street
1913 Truesdale, Joseph R....	61 Broadway
1909 Tuck, Andrew E.....	120 Broadway
1918 Tuckerman, Eliot	49 Wall street
1920 Tulin, Abraham	165 Broadway
1902§Turner, William L.....	84 Cotton Exchange
1907 Turrell, Edgar A.....	50 Pine street
1912 Tuska, Benjamin	20 Nassau street
1916 Tuttle, Charles H.....	34 Nassau street
1919 Tweed, Harrison	37 Wall street
1920 Twombly, Edward B.....	2 Rector street (Summit, N. J.)
1913 Unger, Albert Blogg....	32 Franklin street
1920 Unger, Edward F.....	Old P. O. Building
1913 Unger, Henry W.....	261 Broadway
1913 Untermyer, Alvin	120 Broadway
1901 Untermyer, Samuel	120 Broadway
1907 Van Amringe, Guy.....	63 Wall street
1916 Van Arsdale, Henry, Jr..	50 Church st. (Newark, N. J.)
1914§Van Benschoten, Wm. H.	43 Exchange place
1908 Vandiver, Almuth C.....	37 Wall street.
1911 Van Doren, Louis O.....	31 Nassau street
1907 Van Duzer, Henry S.....	31 Nassau street

§ Life member.

† Honorary member.

Elected

1912 Van Iderstine, Robert....	27 William street
1913 Van Namee, George R.....	220 West 71st street
1912 Van Slyke, Warren C.....	32 Nassau street.
1917 Venino, Albert W.....	59 Wall street.
1916 Victor, Royall	40 Wall street
1915 Viele, Dorr	25 Liberty street
1892 Vieu, Henry A.....	320 Broadway
1916 Vogel, Martin	111 Broadway
1912 Vorhaus, Louis J.....	115 Broadway
1916 Voss, George A.....	2 Rector street
1919 Vought, Grandin Tracy, Jr.	14 Wall street
1906 Wadhams, William H....	43 Exchange place
1912 Wagner, Franklin A.....	34 Nassau street
1919 Wagner, Herman James..	160 Broadway
1914†Wagner, Robert F.....	Justice Supreme Court
1907 Wait, John Cassan.....	233 Broadway
1919 Walker, George R.....	59 Wall street
1918 Walker, James J.....	61 Broadway
1913 Walker, Roberts	14 Wall street
1921 Wallace, William, Jr.....	14 Wall street
1921 Wallstein, Leonard M.....	233 Broadway
1901 Walsh, Arthur R.....	1482 Broadway
1916 Walsh, John J.....	24 Moore street
1921 Walsh, Myles A.....	149 Broadway
1916 Walsh, Thomas Leo.....	12 E. 44th street
1912 Walter, Carroll G.....	120 Broadway
1916§Walter, Henry	154 Nassau street
1915 Walters, J. Henry.....	1564 Broadway
1921 Wandell, Samuel H.....	50 Broad street
1902†Ward, Henry Galbraith...	Judge U. S. Circuit Court
1903 Ward, Henry M.....	2 W 44th street (Darien, Conn)
1912 Ward, Sylvester L. H.....	31 Nassau street
1908§Wardwell, Allen	15 Broad street
1912 Warfield, Frederic P.....	25 W. 44th street
1908 Warner, James Harold...	511 Fifth ave (Poughkeepsie)
1919 Warren, George Flint, Jr.	256 Broadway
1918 Warren, Joseph A.....	61 Broadway
1912 Wasserman, Samuel	51 Chambers street
1913†Wasservogel, Isidor	Justice Supreme Court
1876§Waterbury, Nelson J.....	Manhattan Club
1907 Watson, Archibald R.....	165 Broadway
1919 Waugh, Theodore L.....	32 Franklin street
1916 Weadock, John C.....	14 Wall street
1920 Webb, Vanderbilt	31 Nassau street
1912§Weed, Richmond	154 Nassau street
1912†Weeks, Bartow S.....	Justice Supreme Court
1912 Wellman, Francis L.....	15 Wall street
1913 Wellman, Guy	26 Broadway
1906 Wells, Frederic De Witt..	522 Fifth avenue
1913 Wels, Isidor	233 Broadway
1919 Wemple, William L.....	30 Broad st. (Somerville, N. J.)
1917 Werner, Paul Charles....	2 Rector street
1912 Wesselman, Henry B.....	55 Liberty street
1905 Westwood, Herman J.....	111 Broadway
1900§Whalen, John	450 West 155th street
1899 Wheat, Alfred A.....	135 Broadway
1903 Wheeler, Everett P.....	150 East 72nd street

§ Life member.

† Honorary member.

Elected

1920 Wheless, Joseph	1 Wall street
1912 Wherry, William M., Jr..	15 Broad st. (Plainfield, N. J.)
1888‡Whitaker, Edward G.....	Justice Supreme Court
1903 White, Frank	32 Liberty street
1911 White, Henry Crofut.....	21 William st. (Plainfield, N. J.)
1913 White, Lewis M.....	7 Beekman street
1912 Whitford, Daniel	120 Broadway
1913 Whitlock, Victor E.....	35 Nassau street
1913‡Whitman, Charles S.....	120 Broadway
1914 Wickersham, Cornelius W.	40 Wall street
1911‡Wickersham, George W..	40 Wall street
1912 Wickes, Forsyth	14 Wall street
1912 Wiener, Adam	49-51 Chambers street
1919 Wierum, Otto C.....	206 Broadway
1907 Wilder, William R.....	45 Cedar street
1892§Wilkie, John L.....	2 Wall street
1907 Wilcox, William R.....	165 Broadway
1920 Wilkinson, Ignatius M.....	27 Cedar street
1913 Williams, Charles F.....	98 Morton street
1896 Williams, I. Newton.....	233 Broadway
1914 Williams, James D.....	61 Broadway
1918§Williams, William	15 Broad street
1912 Williamson, Clifton P.....	120 Broadway
1916 Wilson, Edgar Bright....	149 Broadway
1906 Wilson, William C.....	1211 Madison avenue
1919 Winant, Clinton D.....	14 Wall street
1913 Winslow, Wm. Beverly...	55 Liberty street
1902§Winthrop, Bronson	32 Liberty street
1903 Winthrop, E. L., Jr.....	32 Liberty street
1907 Winthrop, Grenville B.....	6 Wall street
1892§Wise, Edmond E.....	15 William street
1912 Wise, Henry A.....	15 William street
1921 Wolbarst, Eli S.....	66 Pine street
1916 Wolcott, Frank T.....	2 W. 45th street
1920 Wolcott, Ralph S.....	52 William street
1908 Wolf, Ralph	115 Broadway
1912 Wolff, Henry F.....	27 William street
1921 Wolff, Henry J.....	14 Wall street
1919 Wolff, Herbert A.....	2 Rector street
1906 Wollman, Henry	20 Broad street
1908 Wood, Harriette M. J....	1 W. 67th street
1916 Wood, Roger B.....	165 Broadway
1914 Woody, Charles L.....	176 Broadway
1917 Woolsey, John M.....	27 William street
1902 Worcester, Edwin D.....	30 Broad street
1921 Workum, Julius F.....	62 Cedar street
1920 Wormser, I. Maurice.....	120 Broadway
1916 Wright, Julian M.....	68 William street
1913§Wright, Wendell J.....	50 Church st. (Hackensack, N. J.)
1912 Wyckoff, J. Edwards.....	54 Wall street
1915 Wyvell, Manton M.....	(Washington, D. C.)
1920 Yankauer, Alfred	261 Broadway
1883§Zabriskie, George	49 Wall street
1920 Zalkin, Harry	49 Chambers street
1902 Zeller, Lorenz	2013 Madison avenue
1920 Zieser, Julius H.....	217 Broadway

§ Life member.

‡ Honorary member.

SECOND DISTRICT

KINGS, QUEENS, NASSAU, RICHMOND AND SUFFOLK COUNTIES

Elected

Bay Shore

1913 Robbins, William H.

Elected

1914 Young, LeRoy M.

Bayville

1919*Pierce, Winslow S.

Brooklyn

1913*Affeld, Francis O., Jr.....
 1920*Alcock, William A.....
 1913 Anderson, Harry G.....
 1915*Aronstam, Charles S.....
 1906†Aspinall, Joseph

113 William street
 6602 Ridge Boulevard
 66 Court street
 78 Prospect Park, West
 Justice Supreme Court

1919*Babcock, H. Howard.....
 1916 Bachrach, Herman S.....
 1917 Baldwin, Stephen C.....
 1913*Ballin, Nathan

97 Columbia Heights
 957 Broadway
 190 Montague street
 1855 80th street
 21 Pierrepont street
 1716 Newkirk avenue
 Justice Supreme Court
 Justice Supreme Court
 44 Court street
 85 Clinton street
 477 East 16th street
 26 Court street
 177 Maple street
 50 Court street
 30 Orange street
 53 Downing street
 685 East 19th street
 32 Court street
 391 Fulton street
 124 New York avenue
 260 Ocean Parkway
 188 Gates avenue
 886 Broadway
 44 Court street
 Borough Hall

1913 Caldwell, Everett

44 Court street
 Justice Supreme Court
 32 Court street
 189 Montague street
 449 East 25th street
 Judge U. S. District Court.
 23 Clinton street
 421 East 21st street
 2311 Halleck avenue, Ridgewood
 129 Pierrepont street
 44 Court street
 189 Montague street
 32 Court street

* Office in New York City.
 † Honorary member.

Elected

Brooklyn—Continued

1918 Cooper, Edward W.....	66 Court street
1919 Cords, Charles D.....	32 Court street
1916*Cosel, Nathan B.....	814 East 19th street
1901†Crane, Frederick E.....	Judge Court of Appeals
1912†Cropsey, James C.....	Justice Supreme Court
1876†Cullen, Edgar M.....	177 Montague street
1912*Curris, George M.....	310 Argyle Road
1917§Curren, Hector McG.....	375 Fulton street
1904§Davison, Alfred T.....	50 Court street
1901§Davison, George W.....	26 Court street
1912 Day, Clarke	85 Clinton street
1918 Delatour, Hunter L.....	215 Montague street
1912 Dietz, Nicholas	44 Court street
1902†Dike, Norman S.....	Justice Supreme Court
1917 Ditore, Michael	16 Court street
1907*Donnelly, Henry D.....	137 Hicks street
1913 Dooley, Edward J.....	232 Clermont avenue
1913*Dorman, William R.....	111 Park place
1916 Doughty, Edgar M.....	131 Lenox road
1916 Drescher, Alexander S...	215 Montague street
1914*Druhan, Charles J.....	1195 Ocean avenue
1915 Dykman, Jackson A.....	177 Montague street
1904 Dykman, William N.....	177 Montague street
1913*Egginton, Hersey	14 Buckingham Road
1916*Ehrenberg, Louis	1806 Eaton avenue
1920*Evans, Walter G.....	114 Hicks street
1918†Fawcett, Lewis L.....	Justice Supreme Court
1915 Feiler, Mark S.....	44 Court street
1913*Feldblum, Adolph	44 Court street
1901*Field, Frank Harvey.....	274 Sterling place
1913*Flaherty, Thomas G.....	194 Clinton street
1921 Freedman, Jacob Arthur....	215 Montague street
1907*Frothingham, T. L.....	135 Henry street
1911 Furst, Michael	215 Montague street
1908*Gardiner, George H.....	857 Park place
1913†Garvin, Edwin Louis.....	Judge U. S. District Court
1913 Geismar, Alexander H.....	1210 82d street
1917 Getty, Ernest Van Buren.	894 Broadway
1916*Gerdes, John	2308 Avenue K
1917 Glore, Harrison C.....	44 Court street
1919 Goldstein, Louis	Dist. Atty's Office
1908*Greene, Edward R.....	99 Henry street
1919 Gross, Erwin F.....	164 Montague street
1916 Gross, Fred L.....	189 Montague street
1917 Gru, George	50 Court street
1915*Gurlitz, Augustus	109 Clark street
1912 Hagarty, William F.....	32 Court street
1916 Hallock, Wilmot Y.....	189 Montague street
1914 Hammond, George T.....	156 Berkeley place
1914*Hammond, Henry B.....	156 Berkeley place

* Office in New York City.

§ Life member.

† Honorary member.

Brooklyn — Continued

Elected

1913 Haskell, Reuben L.....	120 Schermerhorn street
1916 Hemstreet, Ralph E.....	1332 Bergen street
1904 Hirsh, Hugo	391 Fulton street
1916 Hirshfield, David	44 Court street
1920 Holahan, George R., Jr.....	44 Court street
1919 Horwill, Edward T.....	215 Montague street
1917*Honeyman, Robert B.....	36 Montgomery place
1907*Hotchkiss, Charles E.....	Brooklyn.
1919 Hovell, Albert A.....	50 Court street
1913 Huber, Harry I.....	215 Montague street
1912 Ingraham, George S.....	44 Court street
1913 Jacobs, Ralph K.....	215 Montague street
1916*Jakobson, Louis	300 Schenck avenue
1906 Jay, William H. E.....	204 Montague street
1898†Jenks, Almet F.....	Justice Supreme Court
1912*Jonas, Ralph	860 East 17th street
1913 Jones, Jay S.....	215 Montague street
1916 Jordan, Francis	255 Ryerson street
1910 Judge, James P.....	189 Montague street
1919 Judson, Lucius E.....	County Court House
1909†Kapper, Isaac M.....	Justice Supreme Court
1919 Karle, John L.....	818 Cypress avenue
1920 Keck, Frederick A.....	50 Court street
1912†Kelby, Charles H.....	Justice Supreme Court
1903†Kelly, William J.....	Justice Supreme Court
1912 Kenmore, Charles A.....	215 Montague street
1917 Ketcham, Herbert T.....	32 Court street
1917 Kouwenhoven, Harry W.	44 Court street
1912*Kuhn, John J.....	63 South Oxford street
1909 Lamb, Albert E.....	189 Montague street
1913 Latner, Martin H.....	350 Fulton street
1912†Lazansky, Edward	Justice Supreme Court
1916*Levy, Aaron Wm.....	1820 Avenue K
1916 Levin, Albert A.....	215 Montague street
1913 Lewis, Harry E.....	50 Court street
1913 Lewis, Oscar A.....	50 Court street
1909*Low, Walter Carroll.....	509 Fifth street
1918*Ludlow, Francis H.....	125 Brooklyn avenue
1907*Lyon, Edward P.....	963 St. Mark's avenue
1917 Madeo, Antonio	215 Montague street
1921 Maguire, Joseph F.....	375 Fulton street
1916*Mahon, William J.....	145 Amity street
1905†Manning, David F.....	Justice Supreme Court
1915 Marsh, D. A.....	85 Clinton street
1916*Mason, John D.....	899 Union street
1913 May, Mitchell	118 Schermerhorn street
1916 McCaffry, Frank X.....	44 Court street
1921†MacCrate, John	Justice Supreme Court

* Office in New York City.

† Life member.

‡ Honorary member.

Brooklyn — Continued

Elected

1918 McCormick, Helen P....	66 Court street
1919*McDivitt, Francis Stockton.	62 Pierrepont street
1910*McDonald, K. C.....	389 Hancock street
1913 McGuire, John C.....	Hotel St. George
1917 McKenzie, George W....	189 Montague street
1910 McLeer, James Crooke...	189 Montague street
1908*McWilliams, Howard	39 South Portland avenue
1917 Meagher, John J.....	Hall of Records
1909*Miller, Charles Coleman.	295 Clermont avenue
1913 Miller, Manasseh	350 Fulton street
1917 Milligan, Fred G., Jr....	375 Fulton street
1917 Moffett, Robert Elwell...	894 Broadway
1920 Moore, Wm. Austin.....	215 Montague street, Brooklyn
1905*Morgan, John Hill.....	97 Columbia Heights
1910*Molloy, Henry P.....	55 83rd street
1913 Moscovitz, Grover M....	189 Montague street
1913*Murphy, Chas. Frederick.	292 Clinton avenue
1916*Needham, Henry C.....	89 Hancock street
1912 Newman, Emanuel.....	391 Fulton street
1904*Oeland, I. R.....	45 Eighth avenue
1917 O'Keefe, George J.....	171 Atlantic avenue
1912 O'Neill, James T.....	32 Court street
1916 O'Neill, John M.....	367 Fulton street
1919*Parsons, Frank H.....	200 Hicks street
1913*Peck, Bayard L.....	267 Henry street
1903*Perry, John Morris.....	1303 Dean street
1913 Peters, Thomas P.....	66 Court street
1916 Pidgeon, Jose E.....	4 and 5 Court square
1912 Probasco, Samuel K.....	153 Pierrepont street
1910†Putnam, Harrington	Justice Supreme Court
1912 Rasquin, Henry S.....	123 Remsen street
1913 Reass, Benjamin	391 Fulton street
1915 Redmond, W. Rossiter..	44 Court street
1908*Reeves, Alfred G.....	148 St. John's place
1901*Regan, John H.....	422 55th street
1888*Remsen, Daniel S.....	85 Pierrepont street
1917 Reynolds, George G.....	177 Montague street
1913*Reynolds, Leonard J.....	359 Fulton street
1917 Rhoades, Gilbert H.....	44 Court street
1912 Richardson, Albert E.....	66 Court street
1916 Richardson, William P...	305 Washington street
1913 Riegelman, Edward	166 Montague street
1916*Rode, Henry J.....	6902 17th avenue
1913*Rosenson, Harry J.....	63 Morton street
1902*Rubino, Henry A.....	39 Eighth avenue
1916 Ruger, Adolph	90 Livingston street
1915*Sammis, Elmer G.....	391 Decatur street
1907*Sanborn, Frederick H....	93 Cambridge place
1920 Schauf, Jacob	898 Park avenue
1916 Seaton, Robert W.....	164 Montague street
1916§Seidman, Joseph A.....	551 Mansfield place

* Office in New York City.

‡ Life member.

† Honorary member.

Brooklyn — Continued

Elected

1921 Selvaggi, Nicholas	66 Court street
1907†Squires, Arnon L.....	Justice Sup. Ct., Brooklyn
1916 Stark, Abraham I.....	44 Court street
1914 Steinbrink, Meier	215 Montague street
1916 Stewart, Robert	375 Fulton street
1921 Stephenson, Sarah	16 Court street
1920 Strongin, Sidney F.....	189 Montague street
1913 Struse, Otto F.....	260 Broadway
1917 Surpless, Abner C.....	189 Montague street
1916*§Tausch, J. Franklin.....	1208 Beverely road
1920*Taylor, Winthrop	891 Ocean avenue
1916 Telsey, Samuel A.....	32 Court street
1907*Thayer, Aaron C.....	291 East 17th street
1898 Thomas, Edward B.....	164 Montague street
1913 Titcomb, George W.....	215 Montague street
1919 Tomlin, Franklin M.....	32 Court street
1912*Tompkins, Millard F.....	135 Argyle Road
1912 Troy, Thomas H.....	16 Court street
1902*Uderitz, Henry J.....	2660 Bedford avenue
1917 Van Thun, Andrew F., Jr.	189 Montague street
1916 Vermilya, Peter B.....	32 Court street
1920 Voorhees, Albert V. B....	1655 Cropsey avenue
1917*Warner, Walter E.....	96 Lefferts place
1907*Wensley, Robert L.....	275 Jefferson avenue
1917 Whitney, Daniel D.....	44 Court street
1915*Whittlesey, George N....	55 Pineapple street
1914§Wilkin, Robert J.....	194 Clinton street
1920 Wills, Louis C.....	32 Court street
1914*Wilson, Edward H.....	21 Van Buren street
1918 Wilson, Reuben	66 Court street
1912 Wilson, Robert H.....	32 Court street
1913*Winslow, Wm. Beverly....	246 Decatur street
1914*Woody, Robert H.....	Montauk Club
1915 Woolley, George I.....	26 Court street

* Office in New York City.

† Honorary member.

Elected**Cedarhurst**

1913 Gilbert, Frederick L.
1912*Olney, Peter B., Jr.

College Point

1904*Strauss, Morris L.

Cold Spring Harbor.

1913*DeForest, Johnston.

Corona

1920 Chambers, Alexander J.
1917 Graff, Carl.

Douglaston.

1918*Combs, Daniel.
1917*Marlow, Ernest W.
1920 O'Leary, Denis.

East Norwich.

1913*§Uterhart, Henry Ayres.

Elmhurst

1902 Edwards, Clarence.
1892 Garrettson, Garrett J.
1917 Gering, John P.
1917 Robinson, Wm. Harrison.
1913*Sheppard, Walter C.
1917 Schneller, George J.

East Hampton.

1919*Morris, Theodore W., Jr.

Evergreen

1913 Adel, Frank F.

Far Rockaway

1920*Denenholz, Jacob H.
1913*Dowling, George J. S.
1907 Healey, Edmund J.
1910*Levy, Leo.
1912 Pettit, William S.
1912*Strouse, Louis H.

Flushing

1912*Arnold, Carrington G.
1889*§Bogert, Henry L.
1919*Hallinan, James T.
1904 Moore, Harrison S.
1913*Newcombe Richard S.
1906*Parsons, Wm. Bowne.
1914 Richardson, Rodman.
1903*Shearer, George L.
1906 Smith, Clinton B.
1913 Smith, Clinton B., Jr.

Elected

1913 Van De Water, Arthur.
1915 Van Nostrand, Fred. M.

Freeport.

1920 Bode, George M.
1920 Swezey, Sydney H.

Forest Hills.

1913*Plitt, George W.

Glen Cove

1894 Coleman, George S.
1906 McCarthy, Charles T.
1916 McCarthy, John P.
1906 Payne, Edward T.
1916*Sheldon, James C.
1906*Tappan, J. B. Coles.

Great Neck.

1919*Pettigrew, Bertrand L.

Greenport

1883§Delafield, Albert.
1914 Raynor, Leroy E.

Hempstead

1916 Gehrig, James N.
1906 Griffiths, H. Willard.
1906 Haskin, Lincoln B.

Huntington

1904*Baylis, Willard N.
1916 Robichon, Hector A.
1916 Sammis, Theron H.
1909 Street, Charles H.

Islip

1904 Weeks, George W., Jr.

Jamaica

1915 Barthel, Leonard A.
1913 Carman, Edward R.
1903‡Faber, Leander B., Justice
Supreme Court.
1916 Fajans, Harry E.
1912§Fosdick, J. Sheldon.
1902§Fosdick, Lewis L.
1920 Frey, Henry C.
1920 Guernsey, J. Velmore
1918 Hazleton, Edgar F.
1913 Hendrickson, W. F.
1902 Humphrey, Burt Jay.
1917 Marvin, Benjamin.
1913 Miller, Harry.

* Office in New York City.

§ Life member.

‡ Honorary member.

Elected

1891 Monfort, Henry A.
 1915 Nagle, George A.
 1902 Noble, Daniel.
 1908†Van Siclen, James C., Jus-
 tice Supreme Court.
 1912§Voris, Stephen H.
 1920§Wood, Howard Orton
 1919*Whedon, Burt Denison.

Jericho

1908 Ellis, Ralph.
 1912*Gary, Elbert H.

Kew Gardens.

1915*Sincerbeaux, Frank H.

Lawrence.

1913*Fried, Joseph.
 1918*Nordlinger, Sidney.

Locust Valley.

1907*Kirilin, J. Parker.

Long Island City.

1917 Creamer, William J.
 1904 Frank, Philip.
 1913 Gregg, George A.
 1913 Hanavan, George B.
 1904§Leach, John Anderson.
 1906 Mapley, Lucius N.
 1919 McKenney, Thorndyke C.
 1915 McParlan, Edward C.
 1916 Morris, William J., Jr.
 1904 Payne, Alvan T.
 1913§Rathgeber, Emile E.
 1916*St. John, T. Raymond.
 1902 Smith, Frederick N.
 1916 Smith, Matthew J.
 1904 Stewart, William E.
 1903 Vaughan, Athelstan.
 1920 Williams, H. Pushae.

Lynbrook.

1920 Davison, Sanford A.
 1898*Niemann, James P.

Maspeth.

1913*Frontera, Stephen.

Mariners Harbor.

1912*Decker, Melvin L.

Mattituck

1913 Barker, Frank C.

Elected**Mineola**

1906 Downing, J. Edward.
 1918 Fay, Thomas R.
 1920 Howell, Leone D.
 1913 Littlejohn, George A.
 1903†Scudder, Townsend, Jus-
 tice Supreme Court.
 1913 Seaman, Warren C.
 1913 Smith, Lewis J.
 1909 Weeks, Charles R.
 1912 Wood, Charles I.

New Brighton

1901*Anable, Courtland W.
 1910*Bayne, Howard R.
 1906 Clark, Lester W.
 1919 Dullea, Charles B.
 1919 Eadie, Bertram G.
 1916 Kenney, William J.
 1912*Richards, Eugene Lamb.
 1914 Walser, Guy O.

Northport.

1902 Ackerly, Samuel Le R.

Old Westbury.

1908 Earle, Henry M.

Orient

1908 Stern, Randall Hoyt.

Oyster Bay.

1903*DeForest, Henry W.

Patchogue

1911 Furman, George H.
 1902†Jaycox, Walter H., Justice
 Supreme Court.
 1904 Pelletreau, Robert S.
 1912 Vunk, John R.

Port Richmond

1913 Braisted, John M.
 1919 Burke, James, Jr.
 1919 Croak, John.
 1919 Smith, Frank I.

Port Washington

1920 Baxter, A. P.
 1913 Wysong, Charles N.

Richmond

1912*§Gannon, Frank S., Jr.

* Office in New York City.

§ Life member.

† Honorary member.

Elected**Richmond Hill**

1917*Jones, William A., Jr.
1917 Slensby, Joseph P.

Riverhead

1916 Brown, Charles Wells
1911 Griffing, Timothy M.
1913 Hand, Jetur W.
1913 Hildreth, George W.
1913 Tooker, Ernest W.

Rockaway Beach.

1920 Kohn, Benjamin.

Rockville Center

1906 Wright, Edwin G.
1920 Wright, Harrison B.

Roslyn.

1896*Eastman, George W.

Sag Harbor.

1913 Greene, William C.

St. Albans.

1912*Lynch, Daniel E.

St. George.

1919 Curley, Thomas F.
1919 Maloy, Joseph.

St. James.

1919*Butler, Charles Stewart.

* Office in New York City.
‡ Honorary member.

Elected**Setauket**

1921‡Strong, Selah B., Justice
Supreme Court.

South Hampton

1903*Snow, Frederick A.

Stapleton

1916 Fach, Albert C.
1917 Handy, Joseph B.
1919 Simonson, Arthur F.
1912 Tiernan, J. Harry.
1919 Wedemeyer, Arnold J. B.

Staten Island.

1916* Holt, William T.
1916 Pinney, George M.

Tompkinsville

1919*Kutscher, Harry.
1919*Lindemann, Ernest T.
1919 Reige, Emil J.

Tottenville.

1919 Simonson, James A.

Whitestone

1917 Colden, Charles S.
1906*Roe, Clinton T.
1913 Weaver, Edgar

Woodmere.

1913*Davidson, Maxwell.
1918*Jacobs, E. Louis.
1913*Unger, William F.

THIRD DISTRICT

ALBANY, COLUMBIA, GREENE, RENSSELAER, SCHÖHARIE,
SULLIVAN AND ULSTER COUNTIES

Elected

Albany

1902 Addington, George.
1905 Ainsworth, Danforth E.
1917 Alexander, Harold D.
1883 Andrews, Arthur L.
1914 Bender, Melvin.
1919 Byrne, William T.
1919 Caplan, Samuel.
1890 Carr, Lewis E.
1914 Chambers, Wilber W.
1888 Chester, Alden.
1914 Classen, Philip L.
1917 Clement, Maynard N.
1910 Colson, Frederick D.
1892 Cook, John T.
1905 Cooper, James Fenimore.
1893 Danaher, Franklin M.
1905 Danaher, Albert J.
1902 Delehanty, John A.
1919 Dorn, Charles H.
1892 Dugan, Patrick C.
1902 Dyer, William S.
1900 Erving, William Van
Rensselaer.
1912 Farley, William W.
1902 Farren, James J.
1915 Fennell, Thomas F.
1887 Fiero, J. Newton.
1915 Fitzpatrick, John T.
1917 Flanders, George L.
1919 Flinn, Daniel S.
1914 Ford, Roland.
1907 Frost, J. Sheldon.
1914 Gallup, Earl H.
1907 Gilbert, Frank B.
1904 Gillet, Ransom H.
1890 Gleason, John H.
1915 Glenn, William A.
1899† Glynn, Martin H.
1903§ Grattan, William J.
1920 Griffin, Austin B.
1915 Griffin, E. G., Attorney-
General's Office.
1914 Halter, Edward J.
1895§ Ham, Thomas H.
1920 Harris, Frederick S.
1918 Hatt, George J., 2d.
1892 Headley, Russell.
1917 Hendrickson, Howard.
1906 Herrick, D-Cady

Elected

1914 Herrick, Charles J.
1914‡ Hinman, Harold J.
1917 Holland, Park.
1907 Hubbard, Lester Thomas.
1915 Hun, Thomas.
1913 Ilch, Julius.
1919 Jenks, Adelbert F.
1900 Johnston, Russell M.
1904 Kelly, John E.
1902 Kimball, Francis.
1909 Knapp, Walter H.
1899 Le Boeuf, Randall J.
1915 Loucks, J. Harris.
1902 McCann, Henry J.
1919 McGannon, T. Paul.
1891 Muhlfelder, David.
1919 Murphy, Sherman A.
1902 Nachtmann, Martin T.
1892 Nellis, Andrew J.
1912 Nellis, Merwyn H.
1900 Ostrander, George N.
1902‡ Parsons, James A.
1895 Potter, Owen L.
1914 Rankin, Edward W.
1919 Rifenburgh, George La-
Fayette.
1876‡§ Rosendale, Simon W.
1892‡ Rudd, William P., Justice
Supreme Court.
1902 Sanford, Rollin B.
1919 Sill, William E.
1897§ Smith, A. Page.
1914 Staley, Ellis J.
1914 Stephens, John A.
1906 Stern, Charles M.
1914 Sullivan, Charles B.
1914 Tobin, Charles J.
1897 Tracey, James F.
1919 Van Derzee, Newton B.
1901 Van Loon, William G.
1901 Visscher, William L.
1883 Wadhams, Frederick E.
1915 Watson, John C.
1913 Whitfield, William R.
1894 Wilkinson, Thomas F.
1917 Woollard, William E.
1919 Wose, Frederick.

Athens.

1911 Flint, Orin Q.

§ Life member.

‡ Honorary member.

Elected**Callicoon.**

1915 Gardner, Henry F.

Catskill.

1904 Bloodgood, Albert C.
 1893 Bloodgood, Clarence E.
 1893†Chase, Emory A., Judge
 Court of Appeals.
 1916 Fray, John L.
 1906 Howland, Clarence.
 1914 Jennings, W. Irving.
 1916 Malcolm, James Lewis.
 1892 Osborn, Frank H.
 1895§Philip, James P.
 1904 Tallmadge, Josiah C.
 1916 Wilbur, Howard C.

Chatham.

1899 Dardess, John C.

Cohoes.

1901 MacLean, John E.
 1909 Nichols, Edgar B.

Ellenville.

1902 Devaney, John R.

Esopus.

1886†*Parker, Alton B.

Gardiner.

1902 Sears, Hector.

Hoosick Falls

1892 Greene, George E.
 1892 Heaton, Willis E.

Hudson.

1912 Benson, Charles B.
 1916 Brennan, James J.
 1901†Cochrane, A. V. S., Jus-
 tice Supreme Court.
 1895 Collier, Frederick J.
 1920 Crandell, John L.
 1917 Fritts, Harold E.
 1920 Tracey, John C.

Hurleyville.

1908 Baker, Ellsworth.

Jefferson.1900†Nichols, Charles E., Jus-
 tice Supreme Court.**Elected****Kingston**

1890 Betts, James A.
 1896 Brinnier, William D.
 1919 Brinnier, William D., Jr.
 1914 Canfield, Palmer, Jr.
 1887 Chipp, Howard.
 1885 Clearwater, Alphonso T.
 1891 Connelly, Arthur C.
 1913 Deyo, Daniel B.
 1914 Elting, Philip.
 1919 Fessenden, Newton H.
 1906 Flemming, Harry H.
 1901 Fowler, Everett.
 1887 Fredenburgh, Walter S.
 1888†Hasbrouck, G. D. B., Jus-
 tice Supreme Court.
 1914 Hasbrouck, J. DePuy.
 1914 Irwin, Roscoe.
 1914 Jenkins, James.
 1912 Klein, Henry.
 1904 Van Etten, Amos.
 1914 Van Etten, John G.
 1902 Walton, Charles W.

Liberty.

1916 Beck, Harry M.
 1912 Birmingham, William C.
 1913 Hill, D. S.
 1905 Rosch, Joseph.

Middleburg.

1902 Beckman, Douw.

Monticello

1908 Cooke, George L.
 1915 Kyle, Arthur C.
 1901 Lyons, John D.
 1900 Smith, George H.
 1915 Stahl, Joseph I.

Nassau.

1901*Merchant, Henry D.

New Paltz.

1904 Vanderlyn, John N.

Saugerties

1913 Boyle, John Wellington.
 1912 Darrow, Frederick E. W.

Tannersville

1913 Lackey, Edward W.

* Office in New York City.

† Life member.

‡ Honorary member.

Elected**Troy**

1901 Aldrich, Charles S.
 1904 Behan, Joseph C.
 1916 Broderick, John H.
 1916 Cirillo, Philip J.
 1916 Claessens, Frederick C.
 1896 Curtis, Frank C.
 1916 Donohue, Edward J.
 1915 Draper, Frederick E., Jr.
 1910 Filley, Frederick C.
 1901§Gordon, William C.
 1893 Hollister, William H., Jr.
 1913 Holmes, Northrup R.
 1892‡Howard, Wesley O., Jus-
 tice Supreme Court.
 1913 Jones, Abbott H.
 1913 King, Edwin A.
 1904 McCarthy, Charles E.
 1904 McCarthy, Joseph A.
 1914 McChesney, Calvin S.
 1916 McKean, Andrew P.
 1920 Morrill, William W.
 1904 Murphy, Edward, 2d.

§ Life member.

‡ Honorary member.

Elected

1913 Nolan, Michael D.
 1910 O'Brien, Jarvis P.
 1916 Phelan, Thomas F.
 1913 Quillinan, Timothy J.
 1916 Roberts, John W.
 1916 Roche, William C.
 1889 Roche, William J.
 1913 Roddy, John W.
 1913 Russell, Pierce H.
 1902 Speck, Henry J.
 1916 Sweeney, Edmund J.
 1908 Tierney, Michael A.
 1919 Thomas, Frank W.
 1891 Van Santvoord, Seymour.
 1899 Ward, H. Judd.

Watervliet

1895 McLean, Eugene.

Woodridge

1916 Rothenberg, Isadore.

FOURTH DISTRICT

CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, MONTGOM-
ERY, ST. LAWRENCE, SARATOGA, SCHENECTADY,
WARREN AND WASHINGTON COUNTIES

Elected

Amsterdam.

1888†Borst, Henry V., Justice
Supreme Court.
1901 Conover, Archie R.
1919 Ferguson, James W.
1911 Hardies, Charles E.
1913 Heffernan, Christopher J.
1919 Myers, W. Fenton.
1901 Nisbet, Charles S.
1906*Stover, Martin L.

Ballston Spa

1904 Brown, Frank H.
1902 Esmond, Burton D.
1904 Esmond, Irwin.
1904 McKnight, Horace E.
1904§Mehan, William A.
1917 Welsh, Morgan E.
1899§Wiswall, Irving W.

Cambridge

1902 Norton, Eliot B.
1906§Westfall, D. M., Jr.

Canajoharie

1915 Brower, Bert H.
1904§Herrick, Newton J.

Canton.

1915 Chaney, Ceylon G.
1903 Hale, Ledyard P.
1915 Russell, Lawrence.

Edwards

1904 Bancroft, Earl.

Fonda

1917 Burtch, A. Howard.

Fort Plain

1913 Moore, Joseph L.
1919 Moyer, Irving.
1917 Sponable, Fox.

Fultonville

1876 Fish, R. Bronk.

Elected

Glens Falls

1901 Angell, Edward M.
1894§Brown, Louis M.
1904 Cameron, William M.
1902 Fowler, Albert N. C.
1901*Kellogg, Joseph A.
1902 Kiley, James S.
1901 King, Charles F.
1902 Raley, George S.
1914*Rogers, Gustavus A.
1902 Singleton, J. Edward.

Gloversville

1876 Baker, A. D. L.
1913 Baker, William B.
1918 Boyd, R. Douglas.
1913 Burton, Frank.
1901 Cassidy, William S.
1917 Wright, H. D.

Gouverneur.

1909 Aldrich, Herbert G.
1917 Bodman, Charles S., Jr.
1904 Dolan, James C.
1906 Hazleton, D. M.
1902 Parker, C. Arthur.

Granville.

1904 Thorne, Leonard C.

Greenwich

1897†Van Kirk, Charles C., Jus-
tice Supreme Court.
1919 Van Kirk, Herbert.
1906 Van Ness, Charles H.

Hudson Falls.

1904 Derby, Archibald S.
1918 Lewis, L. Ray.
1920 Rogers, Erskine C.
1911 Sawyer, John E.
1902 Sawyer, Willoughby L.

Johnstown

1902 Baylies, Edwin.
1913 Calderwood, T. Cuthell.
1900 Carroll, Fred Linus.
1915 Getman, Anson.
1892 Keck, Jeremiah.
1902 Smith, Borden D.

* Office in New York City.

§ Life member.

† Honorary member.

Elected

Lake Placid

1915 Isham, Frederick A.

Malone

1916 Allen, William L.
1920 Genaway, John W.
1920 McClary, Arthur E.
1915 Moore, George J.
1894 Paddock, Frederick G.

Massena

1904 Chase, Giles A.
1919§ Crapser, John C.
1906 Hanmer, Andrew J.
1909 O'Neill, Barney S.

Mechanicville

1914 Fisher, Robert W.
1913 Frazier, Robert.
1913 Moore, William T.
1920 Reilly, Howard J.

Northville

1902 Anibal, Lee S.

Ogdensburg

1919 Donavin, Hermon J.
1904 Herriman, Alric R.
1919 Ingram, William D.
1892† Kellogg, John M., Justice
Supreme Court.
1911 Kellogg, Walter Guest.
1919 Lucey, D. B.
1915 Newell, Albert P.
1919 Sanford, Roscoe C.
1888 Spratt, Thomas.

Plattsburgh.

1915 Allen, Benjamin I.
1904§ Barnard, Charles A.
1915 Boire, Victor F.
1920 Booth, John H.
1913 Collins, John K.
1904 Cotter, Thomas B.
1920 Gordon, Ernest C.
1903† Kellogg, Henry T., Jus-
tice Supreme Court.
1902 Pattison, W. L.
1913 Shedden, J. S.
1892 Smith, Frank E.
1915 Tierney, Patrick J.

Elected

Port Henry.

1906 Dudley, Frederick W.
1896† McLaughlin, Chester B.,
Judge Court of Appeals.
1913 McMahon, James C.
1906 Pyrke, B. A.
1904 Stokes, Edward T.

Potsdam

1919 Cubley, Frank L.
1915 Everett, Edward A.
1909 Ingram, Harry M.

St. Johnsville

1902 Butler, George C.
1920 Crangle, William J.

St. Regis Falls

1913 Saunders, Leslie M.

Saranac Lake

1902 Coats, Herbert P.
1909 Little, J. C.
1913 Thurston, C. S.

Saratoga Springs

1913 Butler, W. P.
1882§ Davison, Charles M.
1902 Gick, Frank.
1917 Goldsmith, Irving I.
1913 Jenkins, Frank M.
1902§ Kilmer, Clarence B.
1920 Knapp, Clarence H.
1901 Lester, James W.
1912 McKelvey, Lawrence B.
1920 McMahon, Carl L.
1904 Morris, John H.
1913 Rockwood, Nash.
1918† Salisbury, George R., Jus-
tice Supreme Court.
1906 Schwarte, John A. T.
1917 Starbuck, Kathryn H.
1917 Stenacher, George H.
1907 Todd, Hiram C.
1917 Tuck, George O.
1913 Wait, Luther A.
1912 Wheat, Benjamin P.

Schenectady

1911 Blessing, A. T.
1915 Borst, Homer J.
1919 Briggs, Cyrus W.
1903 Briggs, Walter.
1904 Cooper, Frank.

§ Life member.

† Honorary member.

Elected

1913 Davis, Albert G.
 1896 Dillingham, A. J.
 1919 Flinn, Maurice B.
 1906 Hollister, George C.
 1919 Jackson, Alan H.
 1894 King, Louis M.
 1919 Liddle, James W.
 1915 Maynard, William C.
 1913 McMullen, John J.
 1904 Miller, John D.
 1919 Miller, William M.
 1913 Moot, Richmond D.
 1901 Naylon, Daniel, Jr.
 1915 Parker, John R.
 1915 Robinson, Hubbell.
 1915 Schieffelin, George G.
 1886 Smith, Everett.
 1916 Smith, George B.

§ Life member.

† Honorary member.

Elected

1904 Strong, Marvin H.
 1891§ Van Voast, James A.
 1907† Whitmyer, Edward C.,
 Justice Supreme Court.
 1914 Zoller, J. Frank.

Schuylerville

1917 Toohey, Henry F.

Stillwater

1913 Lawrence, George B.

Tupper Lake.

1920 Slater, Francis H.

Waterford

1902 O'Connor, Thomas.

FIFTH DISTRICT

HERKIMER, JEFFERSON, LEWIS, ONEIDA, ONONDAGA AND
OSWEGO COUNTIES

Elected

Boonville

1904 Capron, B. A.
1913 Sperry, Clarence R.
1919 White, Frederick A.

Camden

1896†Davies, John C.
1895 Johnson, Russell S.
1913 Wilkinson, Albert T.

Carthage

1912 Norris, Charles E.
1902 Van Allen, Willard B.

Central Square

1911§Coville, Henry D.

Cleveland

1904 Gallagher, James.
1914 Gallagher, William M.

Frankfort

1913 Wilbur, H. Leslie.

Fulton

1914 Guile, Claude E.
1916 Hillick, W. S.
1913 Jennings, Albert T.
1882 Piper, Giles S.
1919 Rice, Arvin L.
1919 Somers, James R.
1906 Wilson, Herbert J.

Herkimer

1892 Bell, Charles.
1902§Bunce, George H.
1896†Devendorf, Irving R., Jus-
tice Supreme Court.
1910 Earl, Charles L.
1901 Earl, Ralph D.
1913 Fagan, James H.
1902 Gardinier, William J.
1913 Hall, Albert C.
1919 Henderson, Essie B.
1895 Prescott, W. C.
1915 Snyder, Charles E.

§ Life member.

† Honorary member.

Elected

Holland Patent

1913 Dunlap, Harry W.

Ilion

1902 Conkling, James.
1920 Richardson, Arleigh D.

Little Falls

1898 Bronner, Myron G.
1917 Rhodes, William S.

Lowville

1912 Boshart, Edward J.
1911 Bowman, Frank.
1904 Mereness, Charles S.
1910†Merrell, Edgar S. K., Jus-
tice Supreme Court.
1911 Reed, George S.

Oswego

1904 Barnes, Ezra A.
1908 Bentley, Norman S.
1898 Bulger, Charles N.
1919 Davis, George W.
1914 King, Thomas H.
1920 McCaffrey, Joseph T.
1920 McKay, Thomas L.
1906 Morehouse, D. P.
1919 Mournigham, John L.
1914 O'Connor, Joseph P.
1916 O'Connor, John K.
1915 Powell, Elisha B.

Phoenix

1913 Betts, Ira P.

Pulaski

1911†Hubbs, Irving G., Justice
Supreme Court.
1911 Miller, Clayton I.

Rome

1919 Backus, Oswald P.
1902 Larkin, Michael J.
1892§McMahon, John D.
1917 McMahon, Johnson D.
1904 Prescott, G. Linnemann.
1920 Semo, Henry J.
1913 Wiggins, Howard C.

Elected**Sandy Creek**

- 1904 Sargent, Roscoe.
1912 Wallace, H., Louis.

Skaneateles

- 1915 Milford, Charles R.

Syracuse

- 1892 Andrews, Charles W.
1899† Andrews, William S.,
Judge Court of Appeals.
1919 Bailey, Howard D.
1919 Barber, Harry.
1915 Barker, Allen J.
1911 Bond, George Hopkins.
1920 Brewster, Morell K.
1919 Brewster, Neal.
1920 Brown, Edgar F.
1915 Bruce, H. Duane.
1911 Carr, Clinton S.
1913 Chapman, George D.
1902 Chapman, Levi Snell.
1901† Cheney, Jerome L., Justice
Supreme Court.
1911 Clymer, Virgil H.
1904 Cobb, D. Raymond.
1913 Cook, Charles C.
1906 Cooney, Charles E.
1913 Costello, David F.
1909 Cowie, Alexander H.
1902† Crouch, Leonard C., Jus-
tice Supreme Court.
1911 Decker, Frank N.
1904 Denison, Howard P.
1920 Dorr, Carl E.
1911 Edgcomb, Ernest I.
1911 Estabrook, Charles S.
1920 Fearons, George R.
1912 Follett, Henry R.
1919 Foster, William H.
1903§ Fowler, John Curtis.
1911 Gannon, William P.
1910 Hancock, Stewart F.
1906 Harding, William H.
1920 Higgins, Grove Lawrence.
1896† Hiscock, Frank H., Chief
Judge Court of Appeals.
1911 Hitchcock, Charles A.
1902 Hodges, Frank B.
1911† Hogan, John W., Judge
Court of Appeals.
1911 Hogan, Thomas.
1919 Kennedy, James K.
1909 King, Chester H.
1919 Kingsley, Jesse E.
1911 Lang, Louis P.

Elected

- 1897 Leggett, E. H.
1920 Lennox, Frank R.
1921 Levy, T. Aaron.
1892§ Lewis, Ceylon H.
1915 Lewis, Edmund H.
1921 Locke, William H.
1911 Mackenzie, William A.
1902 Magee, Walter Warren
(Washington, D. C.)
1919 Matterson, Wordsworth B.
1902 McCrahon, John H.
1919 Melvin, Myron S.
1919 Melvin, Crandall.
1903† Miller, Nathan L.
1909 Murphy, Joseph B.
1919 Nash, John F.
1892 Nottingham, Edwin.
1911 O'Brien, George W.
1903 Page, Ephraim J.
1921 Robertson, Edward L.
1892§ Pierce, D. A.
1911 Ross, William M.
1902 Rubin, William.
1911 Ryan, Patrick J.
1909 Ryan, William.
1918 Schoeneck, Edward.
1911 Searl, Clifford H.
1911 Setright, James C.
1904 Shinaman, C. E.
1918 Smith, Herbert L.
1918 Smith, Jacob G.
1902§ Smith, Ray B.
1902 Solomon, Samuel D.
1918 Spencer, Charles E.
1920 Spriggs, Clarence Z.
1915 Stilwell, Giles H.
1902 Stolz, Benjamin.
1909 Stone, Charles L.
1913 Stone, Harold.
1919 Sugarman, David B.
1911 Tooke, Charles W.
1911 Vann, Irving D.
1918 Walker, Frank R.
1902 Waters, Louis L.
1919 Welch, Walter.
1919 White, Ernest I.
1901† White, Horace.
1911 Woodworth, Newell B.
1910 Wortman, Charles P.

Utica

- 1913 Adams, Fred B.
1910 Brennan, Russell H.
1913† Calder, Frederick M., Justice
Supreme Court.
1913 Cookinham, Henry Jared.

‡ Life member.

† Honorary member.

Elected

1906 De Angelis, Pascal C. J.
 1919 DeLaFleur, Frederick J.
 1913 De Santis, Anthony S., Los Angeles, Cal.
 1918 Dewey, Chester R.
 1919 Doolittle, Julius T. A.
 1913 Dowling, William F.
 1902 Ferris, T. Harvey.
 1913 Hart, Merwin K.
 1919 Harvey, William K.
 1913 Hubbell, James F.
 1919 Jones, E. Willard.
 1919 Judson, S. Sheldon.
 1910 Kernan, Francis K.
 1913 Kernan, George A.
 1876 Kernan, John D.
 1912 Kernan, Walter N.
 1910 Kernan, Warnick J.
 1919 Lewis, Frederick E.
 1919 Lisle, David B.
 1909 Malsan, Adrian S.
 1906 Martin, Richard R.
 1913 Mason, Charles B.
 1901 Miller, Charles A.
 1905 O'Connor, James K.
 1911 Pritchard, George E.
 1915 Rudd, Joseph.
 1919 Senior, Abram Griffith.
 1915 Sisson, Fred J.
 1919 Speaker, George M.
 1913 Taylor, Howard W.
 1913 Van Auken, M. W.

Elected

1904 White, William Pierre-
 pont.
 1919 Williams, Henry D.
 1910 Willis, Emerson M.

Watertown

1917†Alverson, Claude B., Justice
 Supreme Court.
 1885 Brown, Elon R.
 1915 Brown, Henry M.
 1910 Carlisle, Floyd L.
 1892 Carlisle, John N.
 1900 Cobb, George H.
 1920 Conboy, John.
 1920 Cornwall, A. Raymond.
 1911 Cosgrove, Delos M.
 1913 Cullen, Francis E.
 1912 Gilman, William H.
 1919 Gray, Bernard.
 1920 Hendricks, T. A.
 1900 Hugo, Francis M.
 1904 Kellogg, Virgil K.
 1917 Kimball, Henry J.
 1905†Lansing, Robert
 1920 McConnell, J. A.
 1900 Pitcher, Fred B.
 1920 Pitcher, P. A.
 1920 Purcell, Francis K.
 1900 Purcell, Henry.
 1915 Reeves, George W.
 1894 Smith, Edward N.

† Honorary member.

SIXTH DISTRICT

BROOME, CHEMUNG, CHENANGO, CORTLAND, DELAWARE, MADISON, OTSEGO, SCHUYLER, TIOGA AND TOMPKINS COUNTIES

Elected

Bainbridge

1915 Scott, Julien.

Binghamton

1914 Blakeslee, Charles G.
 1921 Buckley, John T.
 1904 Clark, Roger P.
 1921 Couper, Walter T.
 1902 Deyo, Israel T.
 1919 Harrison, Neil G.
 1918 Hart, Harold L.
 1912 Hays, Frank M.
 1906 Hinman, Harvey D.
 1914 Hitchcock, Charles H.
 1910 Howard, Archibald.
 1902 Jenkins, Fredric W.
 1910 Kattell, Thomas B.
 1919 Keegan, Gertrude R.
 1901 Keenan, Thomas J.
 1919 Lewis, William L.
 1919 Mangan, Thomas J.
 1914 McCrary, A. J.
 1919 McNamara, Helen C.
 1906 Meagher, Frederick J.
 1901 Meeker, Rollin W.
 1919 Mosher, Burr W.
 1901 Newell, William Wirt.
 1913 O'Neil, Joseph S.
 1914 Page, Maurice E.
 1914 Rhodes, Leon C.
 1900 Rogers, James T.
 1915 Seymour, Lewis.
 1901†Tuthill, Theodore R., Justice
 Supreme Court.
 1914 Twining, Laverne M.
 1913 Wickham, Robert S.

Canastota

1913 Campbell, Albert E.
 1917 Kiley, Edward A.
 1919 Robertson, J. L.
 1919 Woolsey, Royal D.

Cazenovia

1889†*Fairchild, Charles S.
 1901†Kiley, Michael H., Justice
 Supreme Court.

Elected

Cherry Valley

1897 Barnum, James W.
 1897 Barnum, Sylvester W.
 1919 Cramer, Almond.
 1907 Gibbons, Willard S.

Cooperstown

1913 Brewer, Charles Temple.
 1900§Byard, James J., Jr.
 1900 Cooke, Harris L.
 1920 Tennant, Clermonte G.

Cortland

1919 Ames, Morse E.
 1917 Buck, Asahel J.
 1917 Champlin, George M.
 1916†Davis, Rowland L., Jus-
 tice Supreme Court.
 1902 Dougherty, James F.
 1909 Duffey, Edwin.
 1915 Kelly, Paul B.
 1913 Lusk, Clayton R.
 1911 Suggett, John W.
 1920 Tobin, James F.

Deposit

1906 Cumming, Ebenezer D.

Edmeston

1918 Welch, Ulysses Grant.

Elmira

1919 Allison, Isaac.
 1913 Baldwin, E. J.
 1901 Chamberlin, Burton S.
 1901†Collin, Frederick.
 1913 Diven, Alexander S.
 1911§Falck, Alexander D.
 1919 Fassett, J. Sloat.
 1913 Gregg, William W.
 1913 Heller, David N.
 1918§Henry, Lewis.
 1918 Losie, Thomas M.
 1915 Lovell, Ross M.
 1912 Mandeville, H. C.
 1920 Marlowe, Richard.
 1905†McCann, George, Justice
 Supreme Court.
 1921 McDowell, Boyd.

* Office in New York City.

§ Life member.

† Honorary member.

Elected

1904 Mosher, Lewis E.
 1920 O'Connor, Michael.
 1919 Personius, Ely W.
 1910 Sayles, Halsey.
 1919 Seeley, Wallace W.
 1888†Smith, Walter Lloyd, Jus-
 tice Supreme Court.
 1912 Sullivan, Mortimer L.

Franklin

1913 Mackey, Edwin A.

Greene.

1919 Clinton, Charles D.

Groton

1917§Hare, Georgia.
 1913§Hare, John J.

Hamilton

1904 Sheldon, Albert Smith.

Hartwick.

1919 Lockwood, E. W.

Hobart

1913 O'Connor, Charles R.

Horseheads

1918 Bentley, Frank S.

Ithaca

1920 Bostwick, Edward H.
 1911 Halliday, Morris S.
 1912 Horton, Randolph.
 1906§Irvine, Frank.
 1919 Kent, Willard M.
 1913 Livermore, Paul S.
 1913 McAllister, Peter F.
 1921 McCaskill, Oliver L.
 1919 Mintz, Aaron G.
 1920 Newman, Charles H.
 1901 Newman, Jared T.
 1912 Smith, William Hazlitt.
 1904 Stagg, C. Tracey.
 1913 Stephens, Fitch H.
 1910§Sweetland, Monroe M.
 1906 Tarbell, George S.
 1913 Van Cleef, Mynderse.
 1919 Woodruff, Edwin H.

Maryland

1907*Burnside, Russell B.

* Office in New York City.

§ Life member.

† Honorary member.

Elected**Milford.**

1919 McRorie, William C.

Morrisville

1902 Johnson, John A.

New Berlin

1915 Morse, Arthur W.

Norwich

1895§Allds, J. P.
 1916 Bixby, J. J.
 1913 Bonney, Nelson P.
 1906 Brown, Hubert L.
 1899 Carr, Norman.
 1914 Flanagan, James S.
 1911 Hill, James P.
 1912 Lee, David F.
 1894†Ray, George W., Judge
 United States District
 Court.
 1892 Sullivan, W. H.
 1902 Tillman, Irving J.

Oneida

1912 Brown, Edwin J.
 1915*Connor, Jeremiah F.
 1902 Fish, Robert J.
 1912 Hunt, E. L.
 1914 Senn, Joseph D.

Oneonta

1911 Becker, Owen C.
 1906†Kellogg, Abraham L., Jus-
 tice Supreme Court.
 1907 Seybolt, Alva.
 1918 Seybolt, Arthur.
 1919§Smith, Claude V.

Owego

1912 Andrews, George F.
 1911 Beck, Frank.
 1920 Beck, S. Rowena.
 1904 Clifford, Frederick W.
 1918 Gorman, John T.
 1915 Lynch, Martin S.
 1914 Recordon, Edwin P.

Ovid

1906§Sutton, John M.

Richfield Springs

1903§Reed, J. DeVere.

Elected**Sherburne.**

1919 Truesdell, Ward N.

Stamford

1904*Andrus, C. L.

1894. Grant, John P.

1916 McNaught, Andrew J.

Unadilla

1902 Cowles, Leland M.

1912 Flaesch, Charles C.

1902 Seacord, Jerome S.

Union

1914 MacClary, Thomas A.

* Office in New York City.

Elected**Walton.**

1903 Neish, Alexander.

1890 Sewell, A. H.

Watkins

1910 Velie, George M.

1914 Watkins, Lewis H.

Waverly

1914 Annabel, Charles C.

1920 Bell, Frank A.

1902 Howard, Frank L.

Whitney Point

1920 Jenks, Edmund B.

SEVENTH DISTRICT

WAYNE AND YATES COUNTIES

CAYUGA, LIVINGSTON, MONROE, ONTARIO, SENECA, STEUBEN,

Elected

Addison

1916 Casson, Mordecai, Jr.
 1919 Crane, Charles L.
 1909 Darrin, Delmar M.

Auburn

1887 Aiken, E. C.
 1912 Beardsley, Porter.
 1903 Brainard, John Morgan.
 1920 Burritt, Robert J.
 1910 Clark, Albert H.
 1912 Clark, Paul R.
 1913 Drummond, Richard C. S.
 1911 Elder, William S.
 1906 Greenfield, Hull.
 1904 Hunt, Thomas M.
 1910 Kerr, J. Henry.
 1913 Mead, Benjamin C.
 1920 Mosher, Edgar S.
 1916 Noble, H. Dutton, Jr.
 1912 Payne, William K.
 1893†Rich, Adelbert P., Justice
 Supreme Court.
 1893 Seward, William H., Jr.
 1902 Storke, Frederic E.
 1910 Taber, John.
 1898 Teller, John D.
 1910 Turner, George B.
 1892 Van Sickle, John.
 1920 Wills, Frederick B.

Bath

1911 McCall, James.
 1920 Shannon, Thomas.

Canandaigua

1915 Christian, Frank A.
 1902 Colmey, John.
 1919 Dunton, Harry I.
 1919 Shea, John.
 1919 Short, Myron D.
 1912†Thompson, Robert F.,
 Justice Supreme Court.

Canistota

1919 Simpson, Leverett J.

Corning

1914 Cheney, Warren J.
 1920 Costello, W. Earle.

Elected

1919 Sebring, James O.
 1904*§Tully, William J.
 1911 Williams, Francis C.

Geneseo

1919†Newton, Charles D.

Geneva

1913 Bean, Charles D.
 1911 Cook, Edward J.
 1919 Hammond, Arthur J.
 1909 Hoskins, Lansing G.
 1912 Lapham, Nathan D.
 1909 Moore, William S.
 1915 Rice, C. Willard.

Hornell

1889 Acker, Milo M.
 1919 Brown, Harry K.
 1919 Foody, James T.
 1904 Phillips, Jesse S.

Livonia

1912 Pease, Harry.

Lyons

1904 Ennis, Charles T.

Palmyra

1920 Converse, Frederick E.
 1902†Sawyer, S. Nelson, Justice
 Supreme Court.
 1896 Sexton, Pliny T.
 1901 Tinklepaugh, George S.

Penn Yan

1902 Kimball, Charles W.

Phelps

1909 Warner, Earle S.

Rochester

1911 Abbott, John B.
 1901 Adler, Isaac.
 1910 Adler, Simon L.
 1909 Armstrong, William W.
 1919 Baker, William J.
 1920 Barnes, Howard F.
 1909 Beach, Daniel M.

* Office in New York City.

§ Life member.

† Honorary member.

Rochester — Continued**Elected**

1906 Bronk, John S.
 1887 Brown, Selden S.
 1909 Carnahan, George A.
 1901 Castle, Kendall B.
 1910 Coit, Frederick W.
 1919 Creary, James R.
 1909†Cunningham, Benjamin B.,
 Justice Supreme Court.
 1892 Davy, Cassius C.
 1904§Davy, James R.
 1908 Decker, George P.
 1909 DeGraft, William.
 1904 Denton, Eugene C.
 1892 Desmond, John.
 1919 Dick, Homer E. A.
 1919 Downs, C. Porter.
 1919 Doyle, Joseph P.
 1909 Duffy, James P. B.
 1909 Dutcher, Frederick L.
 1909 Dwyer, Eugene J.
 1920 Fitch, J. Sawyer.
 1919 Fleckenstein, George V.
 1877 Foote, Nathaniel.
 1904 Gibbs, Milton E.
 1892§Goff, Frank M.
 1901 Hale, William B.
 1904 Harris, Edward, Jr.
 1909 Harris, George H.
 1909 Havens, James S.
 1904 Hotchkiss, James L.
 1910§Hubbell, Walter Sage.
 1909 Leary, Herbert.
 1913 Little, Archibald McVey.
 1913 Love, William F.
 1919 MacLean, William H.
 1919 Mann, James.
 1909 Marsh, Ednor A.
 1912 Matson, Willis A.
 1910 McCarrick, Thomas P.
 1913§McInerney, John J.
 1910 McLean, Joseph.
 1919 Menzie, Herbert J.
 1912 Moore, James.
 1898 Morris, Heman W.
 1913 Nichols, William W.
 1896 O'Grady, James M. E.
 1909 Oviatt, Percival DeWitt.
 1910 Pierce, Charles L.

§ Life member.

† Honorary member.

Rochester — Continued**Elected**

1911 Pierson, Frederick T.
 1919 Platt, Clarence M.
 1909 Plumb, Erwin S.
 1904 Plumb, William T.
 1904 Poole, Harry Otis.
 1909 Raines, Eugene.
 1892 Raines, Thomas.
 1892 Remington, H. F.
 1919 Rice, Leo J.
 1899 Rich, Burdette A.
 1909 Rippey, Harlan Watson.
 1895 Rockwell, John S.
 1893†Rodenbeck, A. J., Justice
 Supreme Court.
 1919 Servis, Harry H.
 1904 Shuster, Clarence E.
 1919 Shutt, Erwin E.
 1901§Smith, George Herbert.
 1899†Stephens, John B. M., Jus-
 tice Supreme Court.
 1919 Strang, William F.
 1907 Strouss, Eugene M.
 1909 Stull, John M.
 1905 Sutherland, Arthur E.
 1916 Taylor, Zachary P.
 1910 Van Allen, Everett K.
 1909 Van Voorhis, Charles.
 1906 Van Voorhis, Eugene.
 1906 Warren, Stephen J.
 1909 Webb, William W.
 1913 Webster, George Y.
 1904 Werner, C. C.
 1909 Whitbeck, Ernest C.
 1909 White, Richard E.
 1919 Wiedman, Frederick.
 1901 Wile, Sol.

Shortsville

1902 Ellis, Willis C.

Sodus

1911 Button, Henry O.

Wayland

1906†Clark, William W., Jus-
 tice Supreme Court.

EIGHTH DISTRICT

ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, GENESEE,
 NIAGARA, ORLEANS AND WYOMING COUNTIES

Albion**Elected**

1912 Burrows, Albert C.
 1903 Church, Sanford T.
 1913 Kirby, Thomas A.
 1910 Ramsdale, W. Crawford.
 1909 Signor, Charles G.
 1910 Signor, Isaac S.

Arcade

1920 Knight, John.

Batavia

1909 Washburn, Edward A.
 1909 Watson, George W.

Belfast

1913 Rutherford, Edward.

Bolivar

1913 Matson, Albert J.

Brocton

1910 Campbell, John L.

Buffalo

1920 Abbott, Frank A.
 1920 Adams, Harold J.
 1914 Adler, Arthur J.
 1915 Albro, Preston M.
 1892 Alden, Carlos C.
 1915 Andrus, Leroy.
 1920 Augsburg, Owen B.
 1919 Babcock, Cleveland G.
 1904 Babcock, Louis L.
 1915 Baker, Merritt N.
 1920 Baldy, Christopher.
 1919 Barber, Cyrus L.
 1917 Bartholomew, A. G.
 1912 Bartlett, Eugene M.
 1902 Bass, Lyman M.
 1914 Beals, Elton H.
 1893 Becker, August.
 1909 Bissell, Frederick O.
 1920 Blair, Charles F.
 1913 Blair, Odell R.
 1919 Blakeslee, Harvey D., Jr.
 1920 Boine, Charles F.

Buffalo — Continued**Elected**

1904 Bosley, Edward R.
 1920 Botsford, Samuel B.
 1904 Boyd, Thomas Edward.
 1921 Branch, Clifford E.
 1915 Brendel, Henry W.
 1915 Brennan, William, Jr.
 1898 Brown, Charles H., Justice
 Supreme Court.
 1919 Brown, Franklin R.
 1919 Brown, Harvey L.
 1909 Bull, Henry Adsit.
 1918 Burd, George B.
 1909 Burke, Thomas C.
 1920 Bush, Myron P.
 1920 Butterfield, Herbert B.
 1920 Callan, Frank H.
 1920 Carr, S. Fay.
 1913 Chamberlain, Eugene V.
 1909 Clark, Martin
 1919 Clark, Martin Lee
 1903 Clinton, George.
 1898 Coatsworth, Edward E.
 1915 Cochrane, George J.
 1920 Cohn, Michael M.
 1910 Collins, Lawrence J.
 1898 Cooke, Walter P.
 1904 Corey, Fred D.
 1903 Cottle, Edmund P.
 1904 Crangle, Roland.
 1916 Crofts, George D.
 1919 Cummings, C. D.
 1920 Daniels, William R.
 1913 Davidson, Alexander.
 1914 Davidson, George G., Jr.
 1901 Desbecker, Louis E.
 1909 Diebold, Charles, Jr.
 1909 Dirnberger, M. F., Jr.
 1919 Doane, Charles Evans.
 1914 Donovan, W. J.
 1915 Doorty, William G.
 1920 Driscoll, James T.
 1902 Dudley, Joseph G.
 1898 Dudley, Wesley C., Justice
 Supreme Court.
 1909 Emery, Asher B.
 1903 Falk, Eugene L.
 1904 Farnham, Charles C.
 1920 Farrington, Medford B.
 1920 Farrington, Robert W.
 1920 Feldman, Charles L.

‡ Life member.

‡ Honorary member.

Buffalo — Continued

Elected

1915 Ferguson, Frank C.
 1921 Fernow, Fritz.
 1915 Field, George H.
 1909 Fisk, Irving L.
 1895§Fleischmann, Simon.
 1921 Franchot, Charles Pascal.
 1920 Frye, William B.
 1904 Frisbee, Ernest L.
 1908 Georgi, Oscar F.
 1912 Gibbons, Frank.
 1893 Gibbs, Clinton B.
 1914 Goodyear, Bradley.
 1919 Gratwick, F. C.
 1903 Greiner, Fred.
 1909 Hager, George L.
 1876†Haight, Albert.
 1919§Hamilton, Edward W.
 1915 Hamilton, John Alan.
 1921 Harmon, Gregory U.
 1915 Harris, Samuel J.
 1912 Harrison, Alfred L.
 1908 Hart, Louis B.
 1893†Hazel, John R., Judge
 United States District
 Court.
 1920 Hellings, Dana B.
 1920 Hickman, Herbert A.
 1920 Hill, Charles B.
 1893 Hill, Henry W.
 1920†Hinkley, Alonzo G., Justice
 Supreme Court.
 1909 Hofheins, Walter F.
 1909 Hollister, Evan.
 1920 Horton, Clinton T.
 1892*Hotchkiss, William H.
 1920 Houck, George E.
 1915§Hurd, Walter C.
 1906†Jackson, William S.
 1919 Jellinek, Edward L.
 1904 Jones, Albert E.
 1915 Jung, Edward L.
 1909 Keating, George P.
 1900 Kellogg, Ralph A.
 1906 Kenefick, Daniel J.
 1915 Kenefick, J. LeRoy.
 1909 Kennedy, George H.
 1919 Kent, Ralph S.
 1909 Killeen, Henry W.
 1920 Kimball, Maulsby.
 1904 Ladd, Carlton E.
 1920 Laing, Philip A.
 1909 Lanza, Horace O.
 1886†Laughlin, Frank C., Jus-
 tice Supreme Court.

Buffalo — Continued

Elected

1904 Lester, Levant T.
 1909 Letchworth, Edward H.
 1914 Lewis, Loran L., Jr.
 1889§Lincoln, Charles Z.
 1913 Lytle, Almon W.
 1899†Marcus, Louis W., Justice
 Supreme Court.
 1898 Marcy, William L.
 1919 McCormick, Karl A.
 1915 McIntyre, Ernest W.
 1904 Means, William H.
 1915 Miceli, Frank A.
 1903 Michael, Edward.
 1915 Millener, Seward H.
 1920 Mills, Edward N.
 1900 Mitchell, Frederick G.
 1902 Mitchell, James McC.
 1912 Mitchell, Roscoe R.
 1920 Moore, Guy B.
 1921 Moore, James O.
 1881 Moot, Adelbert
 1915 Moot, Welles V.
 1909 Morey, Joseph Harrison
 1915 Mueller, John F.
 1911 Nye, Olin T.
 1912 O'Brian, John Lord.
 1915§O'Brian, Roland Lord.
 1904 O'Connor, Charles L.
 1908†O'Malley, Edward R.
 1920 Page, Charles C.
 1920 Palmer, Robert C.
 1909 Palmer, William.
 1915 Persons, James W.
 1909 Phillips, Bradley H.
 1921†Pierce, George E., Justice
 Supreme Court.
 1915 Pomeroy, Robert W.
 1911†Pooley, Charles A., Jus-
 tice Supreme Court.
 1920 Pooley, Charles W.
 1909 Pottle, Henry W.
 1920 Powell, Thomas D.
 1904 Redfield, Nelson M.
 1915 Richards, John B.
 1920 Roberts, J. Craig.
 1915 Rodgers, Helen Z. M.
 1903 Rumsey, Frank.
 1920 Ruslander, David.
 1909 Ryan, John W.
 1918 Saperston, Willard N.
 1914 Sawyer, Ansley W.
 1919 Schlenker, Edward C.
 1903†Sears, Charles B., Justice
 Supreme Court.

§ Life member.

† Honorary member.

Buffalo — Continued

Elected

1900 Seaver, Joseph V.
 1909§ Sidway, Frank S.
 1920 Slee, Frederick C.
 1904 Smith, Preston R.
 1903§ Spann, Albert C.
 1881 Sprague, Henry Ware.
 1915 Spratt, Maurice C.
 1909 Spring, Dana L.
 1915 Staples, Charles J.
 1909 Stone, Thomas R.
 1909§ Stowe, Franklin D. L.
 1909 Strebel, Edward D.
 1910 Strong, Charles W.
 1909 Strootman, Bertha J.
 1920 Sullivan, Thomas A.
 1920 Sweeney, James C.
 1920 Swift, Parton.
 1914† Taylor, Harry L., Justice
 Supreme Court.
 1917 Templeton, Richard H.
 1902§ Tennant, Willis H.
 1906 Thomas, Ulysses S.
 1914 Tubbs, Warren.
 1909 Van Allen, John W.
 1920 Van Arsdale, John A.
 1916 Vincent, E. Deane.
 1909 Ward, Hamilton.
 1910 Wechter, Joseph A.
 1881† Wheeler, Charles B., Jus-
 tice Supreme Court.
 1909§ White, Carlton H.
 1912 White, Charles A.
 1889§ White, Edward P.
 1915 White, William C.
 1915 Wickser, Philip J.
 1881 Wilcox, Ansley.
 1920 Wilkins, Walter M.
 1905 Williams, Harry D.
 1920 Woltz, George W.
 1903§ Wright, William
 net, Jr. (Olean)

Cuba

1904 Leggett, J. C.

Dunkirk

1911 Fox, Samuel Perry.
 1910 Reed, Daniel A.
 1919 Sullivan, John Leo.
 1901§ Warner, Elton D.
 1910 White, Joseph C.
 1920 Woodin, Glenn W.

East Aurora.

1919 Parker, Wells W.

Falconer

Elected

1911 Crosby, Harley N.

Franklinville

1914 Curtis, Rensselaer Leigh

Fredonia

1887† Lambert, John S., Justice
 Supreme Court.
 1909 Moore, Arthur R.

Hamburg

1913 Stolting, Alexander C.
 1915 Stratemeier, Albert L.

Jamestown

1917 Bootey, Edward R.
 1919 Curtis, Frank G. (Casper,
 Wyo.)
 1919 Curtis, J. Delevan.
 1919 Durand, Loye T.
 1912 Edson, Walter H.
 1919 Fisher, Marion H.
 1919 Guinnane, Patrick S.
 1915§ Jackson, Robert H.
 1915 Mott, Frank H.
 1917 Pickard, C. A.
 1919 Thrasher, Louis L.
 1919 Van Vlack, Lynn R.
 1915† Woodbury, Egbert E.
 1896† Woodward, John, Justice
 Supreme Court.

Lewiston

1921 Scovell, J. Boardman.

Lockport

1921 Campbell, William W.
 1915 Dempsey, S. Wallace.
 1914 Earl, William H.
 1915 Judson, George D.
 1915 Lewis, George Curtis.
 1900† Pound, Cuthbert W., Judge
 Court of Appeals.
 1909 Storrs, William W.
 1912 Taylor, E. J.
 1904 Tice, David.

Mayville.

1919 Perkins, A. Roy.

Medina

1915 Sturgis, Blaine F.

§ Life member.

† Honorary member.

Niagara Falls**Elected**

1914 Ackerson, Fred M.
 1918 Chormann, Frederick.
 1897 Dudley, Frank A.
 1919 Franchot, Edward E.
 1919 Gittings, Robert H.
 1915 Gray, Alfred W.
 1919 Killian, Arthur.
 1921 Lee, Thomas B.
 1902§ Lovelace, Frederick L.
 1921 Noonan, James A.
 1921 Orr, George A.
 1921 Parker, Spencer B.
 1919 Rice, Robert L.
 1921 Robillard, Basil.
 1919 Tuttle, George M.

Olean

1914 Andrews, Creighton S.
 1904 Donnelly, Henry.
 1905 Hastings, Allen J.
 1885† Kruse, Frederick W., Jus-
 tice Supreme Court.
 1918 Wright, William Bur-
 net, Jr. (Buffalo)

§ Life member.

† Honorary member.

Perry**Elected**

1915 Walker, L. A.

Salamanca

1904 Adams, George A.
 1917† Cole, George W., Justice
 Supreme Court.

Warsaw

1902§ Charles, Elmer E.
 1913 Coleman, Michael L.
 1915 Greff, Clarence H.
 1913 Griffith, John Cuyler (Chula
 Vista, Cal.).
 1915 Lester, Arthur H.
 1902 Van Arsdale, Chester A.

Wellsville

1904 Church, Frank B.
 1913 Fassett, Lee.
 1920 Hornburg, Ernest C

NINTH DISTRICT

WESTCHESTER, PUTNAM, DUTCHESS, ORANGE AND ROCKLAND
COUNTIES**Beacon**

Elected

1914 Doughty, Robert W.
1916 Hoyt, Ferdinand A.
1902 Phillips, Samuel K.

Bronxville

1916*Kitchel, William Lloyd.
1889*Kursheedt, Manuel A.
1907*Smith, Henry Willis.

Carmel

1904 Anderson, George E.
1915 Hill, Thomas T.
1904 Ryder, Clayton.

Central Valley.

1912*Cornell, Edward.
1917*Dusenbury, Edwin C.

Chappaqua.

1912*Miller, Charles Sumner.

Cold Spring

1904 Southard, J. Bennett.
1920*Shea, Joseph P.

Cornwall

1888*Raymond, Manley A.

Garrison

1902*Osborn, William Church.

Goshen

1904 Gott, Joseph W.
1920 Gott, Percy V. D.
1921 Rorty, Philip A.

Hastings-on-Hudson

1902*§Walker, George H.
1919*Henney, James Barclay.

Haverstraw

1915 De Baun, Harvey.
1911 Gagan, Thomas.
1919 Penny, Frederick W.

Irvington.

1919 King, Frederick P.

Katonah

1892*Nichols, George L.

La Grangeville.

Elected

1919§*McKinney, Glenn Ford.

Lake Mahopac.

1919*Kelley, Charles E.

Mamaroneck

1903*Barnum, William M.
1916 Baxter, Charles M., Jr.
1920 Howe, Edgar L.
1913*Meighan, Burton C.

Middletown

1916 Bright, John
1918 Bittenheim, P. R.
1919 Chappell, Charles C.
1908 Corwin, Allen W.
1915*Decker, William Grant.
1902§Dickerson, William L.
1912 Finn, Frank H.
1918 Gardner, Ivan A.
1916 Oakes, Elbert N.
1921 Payne, Arthur M.
1911 Rogers, Thomas C.
1913 Royce, Herbert B.
1904 Taylor, John C. R.
1913 Thompson, A. C. N.
1918 Wiggins, John L.
1912 Wiggins, Russell.

Monroe.

1907*Hulse, Frederick.
1916§Smith, Elwood C.

Monsey

1911*Blauvelt, George A.

Mount Kisco.

1921 Adams, Irene Bennett.
1919*Holter, Edwin O.
1916*Semple, Lorenzo.

Mount Vernon

1917 Appell, George C.
1916*Blumenthal, Eugene.
1913*Denman, Frederick H.
1914 Johnson, Arthur M.
1892†Mills, Isaac N., Justice
Supreme Court.
1916 Mills, Leroy N.
1908§Tanzer, Laurence Arnold.
1896 Williams, David O.

* Office in New York City.

§ Life member.

† Honorary member.

Newburgh**Elected**

1913 Barnett, R. H.
 1903 Brown, Charles F.
 1912 Cantline, Peter.
 1910 Cassedy, William Frazer.
 1911 Collins, Edward J.
 1912 Corwin, John B.
 1917 Decker, Jacob A.
 1918 Dominick, D. Clinton.
 1913 Egan, Raphael A.
 1892*Graham, James G.
 1902§Hirschberg, Henry.
 1920 Hunter, Henry.
 1912 Kohl, Henry.
 1920 Moses, Michael.
 1919 Reeback, Joseph.
 1913 Roosa, E. E.
 1913 Round, S. U.
 1917 Scott, J. Bradley.
 1904†Seeger, Albert H. F., Jus-
 tice Supreme Court.
 1917 Sneed, Charles W. U.
 1912*Steele, Edwin B.
 1912 Thompson, James Ren-
 wick, Jr.
 1920 Wilson, Jonathan I., Jr.
 1902§Witschief, Graham.
 1920 Wygant, William J.

New Rochelle

1898 Banks, Charles G.
 1920 Ferrara, Leo.
 1914 Haas, John G.
 1890†Keogh, Martin J., Justice
 Supreme Court.
 1918*Mayer, Milton.
 1919*Moore, William A.
 1914*Peckham, Wheeler H.
 1899 Ritchie, Albert.
 1905 Swinburne, Samuel F.
 1912*Walradt, Arthur E.
 1903†Young, J. Addison, Justice
 Supreme Court.

North Tarrytown.

1919*Page, Cecil.

Nyack

1915 Comesky, Frank.
 1916 Gedney, Walter S.
 1920 Haas, Benjamin.
 1916 Hofstatter, E. W.
 1915 Hopper, Irving.
 1920 Levison, Benjamin.
 1919 Lydecker, Wallace B.

Elected

1916 McFarlane, J. F.
 1911 Patterson, Mortimer B.
 1892†Tompkins, Arthur S., Jus-
 tice Supreme Court.
 1906*White, Justin DuPratt.

Ossining

1918*Sturcke, Louis.
 1916 Young, Frank L.

Pawling

1904 Downing, William.

Peekskill

1912 Crumb, Leverett F.
 1892 Horton, Cyrus W.
 1907 McCord, Robert.
 1917*Pugsley, Chester D.

Pelham

1908*Bickford, Herbert J.
 1908*Isaacs, Lewis M.
 1915*Rowe, Charles T. B.

Piermont

1896*Speer, William McM.

Pocantico Hills.

1919*Lewis, Liston L.

Port Chester

1920 Connolly, Thomas F. J.
 1920 Coward, John L.
 1920 Dalton, Charles F.
 1920 Davidson, William A.
 1916 Holzworth, John M.
 1911 Lyon, DeWitt H.
 1920 Miller, Moses.
 1898 Peck, Jerome Alvord.
 1913 Sawyer, William A.
 1920 Sherman, Frederick Wm.
 1920 Sporborg, William D.
 1920 Taylor, Roy.
 1913 Wilcox, Arthur R.
 1916 Young, William C.

Port Jervis

1919 Cuddeback, Samuel M.
 1912 Gregg, William P.
 1914 Jones, Edward P.
 1906 Lybolt, Frank.
 1920 Parshall, William A.

* Office in New York City.

§ Life member.

† Honorary member.

Poughkeepsie**Elected**

1901 Barker, Harry C.
 1892§Barnard, Frederick.
 1902 Bedell, Louis.
 1892 Brown, Samuel H.
 1915 Dayley, Anna G. W.
 1915 Drake, Clarence J.
 1913 Gellert, William L.
 1920 Guernsey, Raymond G.
 1915 Haas, Edward K.
 1919 Husted, Chester.
 1903 Lown, Frank B.
 1915 Mack, John E.
 1906 Morschauser, Charles.
 1906†Morschauser, Joseph, Jus-
 tice Supreme Court.
 1915 Ringwood, John F.
 1920 Spratt, George V. L.
 1915 Tynan, John F.

Ramapo

1919 Van Alstine, Philip.

Rye

1919*Hunt, Richard Carley.
 1907*§Rand, William, Jr.
 1912*Symmers, James Keith.
 1912*Tanner, Frederick C.
 1902*Wainwright, J. Mayhew.

Scarsdale.

1876*Crane, Alexander B.
 1915*Crane, Alexander M.
 1916§Russell, Philip W.
 1907*Williamson, Pliney W.

Southfields.

1892†*Coxe, Macgrane.

South Nyack.

1919*Wagner, Herman James.

Sparkill

1915 Bauer, Oswald A.

Suffern

1915 Harris, Frank S.
 1915 Lexow, Morton.

Tarrytown

1913 Briggs, Frank D.
 1920 Given, William G.
 1915 Griffin, Ernest Freeland.
 1920 Haverbeck, Harrison M.
 1889*Hudson, James A.

Elected

1907*Kirtland, Michel.
 1914 Millard, Charles D.
 1899§Millard, Frank V.
 1913 Thornton, Hugh A.

Tuxedo Park

1903*Alexander, Charles B.
 1916*Foster, Frederic DeP.
 1907*Van Sinderen, Howard.

West Nyack.

1919*Schek, William, Jr.

Warwick

1912 Beattie, Clifford S.
 1904 Kane, Michael N.
 1905 Sanford, Ferdinand V.
 1907*Sanford, Francis B.
 1912 Stage, Lewis J.

White Plains

1892 Barnum, Frederick S.
 1896 Barrett, Henry Robertson.
 1912 Brown, Wilson, Jr.
 1912 Buckbee, Monmouth S.
 1916 Carter, Charles M.
 1919*Crone, Harry.
 1920 Davis, Lee Parsons.
 1914 Digney, John M.
 1899§Du Bois, William M.
 1907 Farley, Robert Emmet.
 1920 Haines, Charles.
 1913 Holden, Stephen.
 1896 Horton, Charles D.
 1921 Lynch, Humphrey J.
 1913*McCabe, Ambrose F.
 1920 McKinley, Eugene F.
 1921 O'Brien, Mortimer C.
 1916†Platt, William P., Justice
 Supreme Court.
 1913*Richter, Theodore B.
 1916 Slater, George A.
 1914 Thompson, Ffarrington M.
 1916 Van Kleeck, F. B., Jr.
 1913 Warren, Oscar LeRoy.

Yonkers

1920 Beckwith, George H.
 1913 Bleakley, William F.
 1892§Brennan, John F.
 1912 Burns, Arthur J.
 1917 Burrough, Robert D.
 1917 Cohen, Max.
 1913 Curran, Thomas F.

* Office in New York City.

§ Life member.

† Honorary member.

Elected

1903*Davenport, Timothy.
1912 Donoghue, Francis X.
1904*Easton, Charles Philip.
1915 Edie, George S.
1904§*Ewing, Hampton D.
1918 Furman, Herman.
1907*Hoes, Ernest P.
1917 Jordan, Albert C.
1919*Lattin, C. Parker.
1919*Livermore, Arthur L.
1908*Ludlow, James B.
1918 Mitchell, Walter B. J.
1919*Mowton, Edward P.

* Office in New York City.
§ Life member.

Elected

1919*Murray, Timothy.
1907*Murtha, Thomas F.
1916*Reed, Robert R.
1915 Riley, William.
1907 Scrugham, William War-
burton.
1917 Stahl, John J.
1896 Thayer, Stephen H.
1914 Wallin, George V.
1913 Wallin, William J.
1916*Wheeler, Ernest E.
1919*Wynne, Marvin W.

MEMBERSHIP

733

MEMBERSHIP

Total number of honorary members.....	200
Total number of life members.....	216
Total number of members other than life and honorary members	3,002
	<hr/>
Total membership	3,418
	<hr/>

Number of members (including life and honorary members) by judicial districts:

First district	1,556
Second district	402
Third district	197
Fourth district	166
Fifth district	219
Sixth district	157
Seventh district	151
Eighth district	283
Ninth district	246

3,377

Members residing out of the state..... 41

Total. 3,418

OFFICERS OF THE AMERICAN BAR ASSOCIATION

1920-1921

PRESIDENT

William A. Blount, Pensacola, Fla.

VICE-PRESIDENT FOR NEW YORK

Martin Conboy, New York.

GENERAL COUNCIL FOR NEW YORK

Charles E. Hughes, New York.

SECRETARY

W. Thomas Kemp, Baltimore, Md.

TREASURER

Frederick E. Wadhams, Albany.

EXECUTIVE COMMITTEE

William A. Blount.....	Pensacola Fla.
W. Thomas Kemp.....	Baltimore, Md.
Frederick E. Wadhams.....	Albany, N. Y.
Hampton L. Carson.....	Philadelphia, Pa.
W. O. Hart.....	New Orleans, La.
Edmund F. Trabue.....	Louisville, Ky.
Thomas H. Reynolds.....	Kansas City, Mo.
George B. Young.....	Montpelier, Vt.
Paul Howland	Cleveland, O.
Thomas C. McClellan.....	Montgomery, Ala.
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John B. Corliss.....	Detroit, Mich.
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NEW YORK LOCAL COUNCIL

Waldo G. Morse.....	New York.
James D. Andrews.....	New York.
John E. O'Brien.....	New York.
Arthur E. Sutherland.....	Rochester.

PROGRAM

OF FORTY-FOURTH ANNUAL MEETING

Friday, January 21, 1921, 9.30 a. m.

The meeting will be called to order on Friday, January 21, 1921, at 9.30 o'clock A. M., by Honorable Nathan L. Miller, President, in the meeting room of the Association of the Bar of the City of New York, 42 West Forty-fourth Street, New York City.

The order of business will then be proceeded with as follows:

A general discussion will follow each report and subject presented.

1. Reading of minutes of preceding meeting.
2. Nominations for membership.
3. Report of Executive Committee.
4. Report of Treasurer.
5. Appointment of Committee on Publications, consisting of five members.

- 10.00 A. M. Report of Committee on Nominations.
- 10.05 A. M. Report of Committee to Consider the Advisability of Establishing an American International Court.
- 10.10 A. M. Report of Committee on Proposed Legislation Relative to the Commitment and Discharge of the Criminal Insane.
- 10.15 A. M. Report of Committee on Arbitration (formerly Committee on Prevention of Unnecessary Litigation.)
- 10.20 A. M. Committee on Amendment of Procedure in the Federal Courts.
- 10.25 A. M. Report of Committee on Uniform State Laws.
- 10.35 A. M. Report of Committee on Grievances.
- 10.45 A. M. Report of Committee on Legal Ethics.
- 10.55 A. M. Report of Committee on Classification and Restatement of Law.
- 11.10 A. M. Committee to Investigate the Publication of Legal Notices.
- 11.20 A. M. Report of Committee to Act Upon Recommendations of the Conference of State and Local Bar Associations.
- 11.45 A. M. Report of Committee on Legal Biography.
- 12.00 M. { Nominations for membership.
 { Miscellaneous business.
 { Adjournment to 2.15 P. M.

Friday Afternoon

- 2.00 P. M. Annual Address by the President. Subject, "Pressing Problems of Government."
- 2.30 P. M. Report of the Committee on Law Reform.

- 3.15 P. M. Report of Committee on Legal Education.
 3.45 P. M. Report of Committee on Anachronisms in the Law.
 4.15 P. M. Report of Committee on International Arbitration.
 4.30 P. M. { Miscellaneous business.
 { Nominations for membership.
 { Adjournment.

Friday Evening

- 8.30 P. M. Annual Address by the HONORABLE GEORGE SUTHERLAND, former United States Senator from Utah, Subject, "Principle or Expedient?"

This address will be delivered in the Grand Ball Room of the Hotel Astor, Forty-fourth Street and Broadway, New York.

Saturday Morning

- 9.30 A. M. { Unfinished business.
 { Nominations for membership.
 { Miscellaneous.
 9.45 A. M. Report of Committee to Examine the Civil Practice Act.
 10.00 A. M. General discussion of the subject: "The New Civil Practice Act and the Rules of Civil Practice."
 12.30 P. M. { Nominations for membership.
 { Miscellaneous business.
 { Adjournment to 2.15 P. M.

Saturday Afternoon

- 2.15 P. M. Discussion of the subject, "The New Civil Practice Act and the Rules of Civil Practice," continued.
 Report of Committee to Confer with the Court of Appeals and to Recommend Measures for the Relief of the Congested Calendar of that Court.
 5.00 P. M. { Election of officers.
 { Miscellaneous business.
 { Election of new members.
 { Adjournment.

Saturday Evening

The annual dinner will be given at the Hotel Astor, Forty-fourth Street and Broadway.

The individual table assignment cards will be ready at 6.30 o'clock for delivery at the "Laurel Room" in the Hotel Astor (adjoining the banquet room), in exchange for the dinner coupon sent or given to members at the time the dinner ticket was purchased. Guests will be seated at 7.30 o'clock promptly.

COUNTY BAR ASSOCIATIONS IN THE STATE OF NEW YORK

NAME	PRESIDENT	SECRETARY
Albany County Bar Association.	Ellis J. Staley, Albany.	Earl H. Gallup, Albany.
Allegany County Bar Association	Walter N. Renwick, Cuba.	
Bronx County Bar Association.	Harold C. Knoepfel, New York.	Forrest C. Hirleman, New York.
Broome County Bar Association.	Thomas J. Keenan, Binghamton.	Charles H. Burnett, Binghamton.
Cattaraugus County Bar Association.	Hudson Ansley, Salamanca.	Creighton S. Andrews, Olean.
Cayuga County Bar Association.	Oscar Tryon, Auburn.	Stuart Treat, Auburn.
Chautauque, Bar Association of Northern	A. E. Nugent, Dunkirk.	Murle L. Rowe, Dunkirk
Chemung County Bar Association.	Frank C. Ogden, Elmira.	John J. Conroy, Elmira.
Columbia County Bar Association.	J. Rider Cady, Hudson.	John V. Whitbeck, Jr. Hudson.
Cortland County Bar Association.	O. U. Kellogg, Cortland.	C. H. Gardner, Cortland.
Delaware County Bar Association.	Lewis F. Raymond, Franklin.	Jonas M. Preston, Delhi.
Dutchess County Bar Association.	Frank B. Lown, Poughkeepsie.	Harry C. Harris, Poughkeepsie.
Erie County Bar Association.	John Alan Hamilton, Buffalo.	George E. Houck, Buffalo
Essex County Bar Association.	Chester B. McLaughlin, Port Henry.	Robert B. Dudley, Elizabethtown.
Franklin County Bar Association.	Frederick G. Paddock, Malone.	E. C. Lawrence, Malone.
Genesee County Bar Association.	Geo. W. Watson, Vice-President, Batavia.	Everest A. Judd, Batavia.
Greene County Bar Association.	Percy W. Decker, Catskill.	Clarence Howland, Catskill.
Herkimer County Bar Association.	W. C. Prescott, Herkimer.	W. J. Gardinier, Herkimer.
Jefferson County Bar Association.	Virgil K. Kellogg, Watertown.	Henry J. Kimball, Watertown.
Kings County Bar Association.	John J. Clancy, Brooklyn.	Samuel A. Pease, Brooklyn.
Lewis County Bar Association.	Milton Carter, Lowville.	L. Charles Davenport, Lowville.
Livingston County Bar Association.	John B. Abbott, Genesee.	Charles W. Gamble, Mount Morris.
Madison County Bar Association.	Michael H. Kiley, Casenovia.	B. Fitch Tompkins, Wampsville.
Nassau County Bar Association.	Earl J. Bennett, Rockville Centre.	William Clark Roe, Jamaica.
New York County Lawyers' Association.	Charles Strauss, New York.	Alfred A. Wheat, New York
Niagara County Bar Association.	Morris Cohn, Jr., Niagara Falls.	J. William O'Brien, Niagara Falls.
Oneida County Bar Association.	Curtis F. Alliaume, Utica.	William K. Harvey, Utica.
Onondaga County Bar Association.	Daniel A. Pierce, Syracuse.	Jacob G. Smith, Syracuse.

NAME	PRESIDENT	SECRETARY
Orange County Bar Association.	Henry Kohl, Newburgh.	Lewis J. Stage, Warwick.
Orleans County Bar Association	Isaac S. Signor, Albion.	William H. Munson, Medina.
Oswego County Bar Association.	Giles S. Piper, Fulton.	Robert J. Pendergast, Fulton.
Queens County Bar Association.	James J. Conway, Long Island City.	Rodman Richardson, Flushing.
Rensselaer County Bar Association.	Herbert F. Roy, Troy.	Clark Cipperly, Troy.
Richmond County Bar Association.	Bertram G. Eadie, St. George, Staten Island.	Frank I. Smith, Port Richmond.
Rockland County Bar Association.	Frank Comeaky, Nyack.	Morton Lexow, Suffern.
Saratoga County Bar Association.	Edgar T. Brackett, Saratoga Springs.	L. B. McKelvey, Saratoga Springs.
St. Lawrence County Bar Association.	Thomas Spratt, Ogdensburg.	George H. Bowers, Canton.
Schenectady County Bar Association.	W. W. Wemple, Schenectady.	George B. Smith, Schenectady.
Suffolk County Bar Association.	George H. Furman, Patchogue.	Ralph J. Hawkins, Patchogue.
Sullivan County Bar Association.	George H. Smith, Monticello.	William G. Birmingham, Liberty.
Tioga County Bar Association.	Fred W. Clifford, Owego.	Frederick J. Davis, Owego.
Tompkins County Bar Association.	Wm. Hazlett Smith, Ithaca.	E. Morgan St. John, Ithaca.
Ulster County Bar Association.	James M. Fowler, Kingston.	DuBois J. Gillette, Kingston.
Warren County Bar Association.	Henry W. Williams, Glens Falls.	Willard A. White, Glens Falls.
Wayne County Bar Association.	Alfred S. Armstrong, Clyde.	W. T. Purchase, Newark.
Westchester County Bar Association.	John M. Digney, White Plains.	Thomas Holden, Jr., White Plains.
Wyoming County Bar Association.	Michael L. Coleman, Warsaw.	Harry M. Brown, Warsaw.
Yates County Bar Association.	C. W. Kimball, Penn Yan.	Roger E. Chapman, Penn Yan.

LOCAL BAR ASSOCIATIONS, OTHER THAN COUNTY BAR ASSOCIATIONS, IN THE STATE OF NEW YORK

NAME	PRESIDENT	SECRETARY
Amsterdam, Bar Association of the City of.	Charles S. Nisbet, Amsterdam.	Harry Sherburne, Amsterdam.
Brooklyn Bar Association.	Robert H. Wilson, Brooklyn.	Henry S. Rasquin, Brooklyn.
Buffalo, Lawyers' Club of.	William G. Doorty, Buffalo.	Merritt N. Baker, Buffalo.
Cohoes Bar Association.	Edgar B. Nichols, Cohoes.	Donald G. MacLean, Cohoes.
Corning Bar Association.	Francis C. Williams, Corning.	Michael Cahill, Corning.
Geneva Bar Association.	George F. Ditzmars, Geneva.	E. J. Cook, Geneva.
Gloversville, Bar Association of the City of	Jeremiah Wood, Gloversville.	Gordon Parke Young, Gloversville.
Jamestown, Bar Association of the City of	John G. Wicks, Jamestown.	Charles H. Wiborg, Jamestown.
Johnstown, Bar Association of the City of.	Alfred D. Dennison, Johnstown.	McIntyre Fraser, Johnstown.
Olean Bar Association.	Allen J. Hastings, Olean.	Craigton S. Andrews, Olean.
New York, Association of the Bar of the City of.	James Byrne, New York.	Charles H. Strong, New York.
Oneonta Bar Association.	George L. Boeckes, Oneonta.	Arthur Seybolt, Oneonta.
Rochester Bar Association.	George A. Benton, Rochester.	Homer E. A. Dick, Rochester.
Rockaways, Bar Association of the.	Origen S. Seymour, Lawrence.	William S. Pettit, Far Rockaway.
Yonkers Lawyers' Association.	Charles W. Boote, Yonkers	Herman Furman, Yonkers
New York State Association of Surrogates.	Louis B. Hart, Buffalo.	Gilbert H. Baker, Penn Yan.

LIST OF STATE BAR ASSOCIATIONS

STATE	NAME	PRESIDENT	SECRETARY
Alabama.	Alabama State Bar Association.	J. K. Dixon, Talladega.	Alexander Troy, Montgomery.
Arizona.	Arizona Bar Association.	Joseph H. Kibby, Phoenix.	J. E. Nelson, Phoenix.
Arkansas.	Bar Association of Arkansas.	W. F. Coleman, Pine Bluff.	Roscoe R. Lynn, Little Rock.
California.	California Bar Association.	Bradner W. Lee, Los Angeles.	T. W. Robinson, Los Angeles.
Colorado.	Colorado Bar Association.	Charles S. Thomas, Denver.	Wm. W. Grant, Jr., Denver.

STATE	NAME	PRESIDENT	SECRETARY
Connecticut.	State Bar Association of Connecticut.	A. Heaton Robinson, New Haven.	James E. Wheeler, New Haven.
District of Columbia.	Bar Association of the District of Columbia.	Leon Tobriner, Washington.	Joseph T. Sherier, Washington.
Florida.	Florida State Bar Association.	W. H. Ellis, Tallahassee.	Robert A. Henderson, Fort Myers.
Georgia.	Georgia Bar Association.	Alexander R. Lawton, Savannah.	Harry S. Strosier, Macon.
Hawaii.	Bar Association of the Hawaiian Islands.	Sanford B. Dole, Honolulu.	Albert M. Cristy, Honolulu.
Idaho.	Idaho State Bar Association.	Willis Sullivan, Boise.	S. A. Griffin, Boise.
Illinois.	Illinois State Bar Association.	Logan Hay, Springfield.	R. Allan Stephens, Danville.
Indiana.	Indiana State Bar Association.	Elmer E. Stevenson, Indianapolis.	George H. Batchelor, Indianapolis.
Iowa.	Iowa State Bar Association.	Charles M. Dutcher, Iowa City.	H. C. Horack, Iowa City.
Kansas.	Bar Association of the State of Kansas.	Joseph D. Houston, Wichita.	W. E. Stanley, Wichita.
Kentucky.	Kentucky State Bar Association.	W. L. Porter, Glasgow.	J. Verser Conner, Louisville.
Louisiana.	Louisiana Bar Association.	Albin Provosty, New Roads.	Wm. Waller Young, New Orleans.
Maine.	Maine State Bar Association.	Charles W. Hayes, Foxcroft.	Norman L. Bassett, Augusta.
Maryland.	Maryland State Bar Association.	James E. Ellegood, Salisbury.	J. W. Chapman, Jr., Baltimore.
Massachusetts.	Massachusetts Bar Association.	Frederick P. Fish, Boston.	Frank W. Grinnell, Boston.
Michigan.	Michigan State Bar Association.	James O. Murfin, Detroit.	Harry A. Silabee, Lansing.
Minnesota.	Minnesota State Bar Association.	Ambrose Tighe, St. Paul.	Chester L. Caldwell, St. Paul.
Mississippi.	Mississippi State Bar Association.	Gabe Jacobson, Meridian.	Fred M. West, Jackson.
Missouri.	Missouri Bar Association.	F. M. Curlee, St. Louis.	Kenneth C. Sears, Columbia.
Montana.	Montana Bar Association.	Rudolf von Tobel, Lewistown.	William O. Craig, Helena.
Nebraska.	Nebraska State Bar Association.	A. G. Ellick, Omaha.	Anan Raymond, Omaha.
Nevada.	Nevada Bar Association.	P. A. McCarran, Reno.	Lester D. Summerfield, Reno.
New Hampshire.	Bar Association of the State of New Hampshire.	Joseph Madden, Keene.	Jonathan Piper, Concord.
New Jersey.	New Jersey State Bar Association.	Alfred F. Skinner, Newark.	LeRoy W. Loder, Bridgeton.
New Mexico.	New Mexico Bar Association.	W. G. Hayden, East Las Vegas.	Harry M. McElroy, Almodordo.
New York.	New York State Bar Association.	William D. Guthrie, New York.	Fred'k E. Wadhams, Albany.

STATE	NAME	PRESIDENT	SECRETARY
North Carolina.	North Carolina Bar Association.	John A. Mac Rae, Charlotte.	Henry M. London, Raleigh.
North Dakota.	Bar Association of North Dakota.	Charles A. Pollock, Fargo.	John E. Greene, Minot.
Ohio.	Ohio State Bar Association.	Smith W. Bennett, Columbus.	J. L. W. Henney, Columbus.
Oklahoma.	Oklahoma State Bar Association.	George L. Bowman, Kingfisher.	W. A. Lybrand, Oklahoma City.
Oregon.	Oregon Bar Association.	Harrison G. Platt, Portland.	Albert B. Ridgeway, Portland.
Pennsylvania.	Pennsylvania Bar Association.	Paul H. Garther, Greensburg.	Harold B. Beitler, Philadelphia.
Rhode Island	The Rhode Island Bar Association.	Richard B. Comstock, Providence.	Elisha C. Mowry, Providence.
South Carolina.	South Carolina Bar Association.	Charles C. Sims, Florence.	C. S. Montieith, Columbia.
South Dakota.	South Dakota Bar Association.	Claude L. Jones, Parker.	John H. Voorhees, Sioux Falls.
Tennessee.	Bar Association of Tennessee.	Malcolm McDermott, Knoxville.	Byrd Douglas, Nashville.
Texas.	Texas Bar Association.	W. L. Estes, Texarkana.	Ben F. Wilson, Houston.
Utah.	State Bar Association of Utah.	W. D. Riter, Salt Lake City.	Harold B. Fabian, Salt Lake City.
Vermont.	Vermont Bar Association.	Marvelle C. Webber,	Guy W. Hill, St. Johnsbury.
Virginia.	Virginia State Bar Association.	Armistead C. Gordon, Staunton.	John B. Minor, Richmond.
Washington.	Washington State Bar Association.	O. B. Rupp, Seattle.	W. J. Millard, Olympia.
West Virginia.	West Virginia Bar Association.	Robert S. Spellman, Charleston.	Uriah Barnes, Charleston.
Wisconsin.	State Bar Association of Wisconsin.	John C. Thompson, Oshkosh.	Gilson G. Glasier, Madison.
Wyoming.	Wyoming State Bar Association.	John W. Lacey, Cheyenne.	C. M. Watts, Cheyenne.
Far Eastern American Bar Association.		Chas. S. Lobingier, Shanghai, China.	Earl B. Rose, Shanghai, China.

BAR ASSOCIATIONS IN CANADA

NAME	PRESIDENT	SECRETARY
Canadian Bar Association.	Sir James Alkins, Winnipeg.	E. H. Coleman, Winnipeg.
Montreal Bar Association.	George G. Foster, K. C., Montreal.	J. H. Archambault, Montreal.
Ontario Bar Association.	J. H. Rodd, Windsor.	W. J. Beaton, Toronto.
Toronto Bar Association.	Angus MacMurphy, K. C., Toronto.	W. J. McCullum, Toronto.

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